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AGENDAS/MINUTES
COMMITTEE OF THE WHOLE
CITY OF HAMILTON

FEB 4/03... MAR. 4/03

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MUNICIPAL DOCUMENT

City of Hamilton

AGENDA

COMMITTEE OF THE WHOLE 03-004

Tuesday, February 4, 2003

9:30 a.m.

Council Chamber
Hamilton City Hall
71 Main Street West
Hamilton, Ontario

Kevin C. Christenson
City Clerk

Please note: All cellular telephones and pagers to be switched to a non-audible function during Council and Committee meetings.

Agenda available on-line at www.hamilton.ca
(click on "City Government")

1. DECLARATIONS OF INTEREST

2. ADOPTION OF MINUTES

2.1 January 21, 2003

3. DELEGATION REQUESTS

3.1 Request to address the Hearing Sub-Committee by Pastor Ace Clarke respecting "Hamilton Dream Centre".

4. CONSENT ITEMS

4.1 Monthly Status Report of Tenders and Requests for Proposals for December 2002 (FCS02014(l)) (City Wide)

4.2 Interim Tax Levy & Temporary Borrowing By-laws (FCS03014) (City Wide)

4.3 Request for Removal of the Holding (H) Provision - Lands Located at 1052 South Service Road, in the former City of Stoney Creek (PD03028) (Ward 11)

4.4 Downtown Hamilton Business Improvement Area (B.I.A.) - Revised Board of Management (PD03006(a)) (Ward 2)

4.5 Heritage Permit Application (HP2002-028) - 990 Beach Boulevard within the Hamilton Beach Heritage Conservation District, City of Hamilton (PD03022) (Ward 5)

4.6 Recommendation to Designate 166 Charlton Avenue West under Part IV of the Ontario Heritage Act, in the City of Hamilton (PD03023) (Ward 2)

4.7 Heritage Permit Application (HP2002-029) under Part IV of the Ontario Heritage Act - 68 King Street East (Victoria Hall), City of Hamilton (PD03024) (Ward 2)

4.8 Heritage Permit Application (HP2002-030) under Part IV of the Ontario Heritage Act - 55 Main Street East/10 John Street South (The John Sopinka Courthouse), City of Hamilton (PD03025) (Ward 2)

4.9 Shadyglen Subdivision, Stage 2 - Stop Sign Installations (TOE03013) (Ward 9)

4.10 Intersection Controls - Latorre Court and Sirente Drive, Rockview Drive and Sirente Drive, and Marisa Court and Rockview Drive (TOE03014) (Ward 7)

4.11 Intersection Controls - Idlewilde Lane and Grassyplain Drive, Blackburn Lane and Grassyplain Drive, Blackburn Lane and Bellstone Lane, Bellmoore Court and Idlewilde Lane, Archer Way and Grassyplain Drive (Ward 11) (TOE03015)

5. PRESENTATIONS

5.1 Future of Hamilton Utilities Corporation - Bill 210 (Ontario) (to be distributed)

5.2 Growth Related Integrated Development Strategy (G.R.I.D.S.) Draft Study Design Report (CM03001) (City Wide)

5.3 "Building a Stronger Foundation" - Official Plan and Zoning By-law Work Plan (PD02179(a)/FCS02110(a))

DISCUSSION ITEMS

6. CITY MANAGER

None

7. COMMUNITY SERVICES

7.1 Hamilton - Scourge Radar Surveillance System (CS03006) (City Wide)

8. CORPORATE SECRETARIAT

None

9. ECONOMIC DEVELOPMENT

None

10. FINANCE AND CORPORATE SERVICES

10.1 2002 Year End Receivable Write-offs (FCS03013) (City Wide)

10.2 Year 2003 Liability/Property Insurance Policies (FCS03012) (City Wide)

19.2 Motion by Councillor L. Dilanni

That all bid appeals be brought to the Audit Sub-Committee before disposition.

19.3 Motion by Councillor S. Merulla

That the City Manager be directed to report back to Committee of the Whole on the required procedure/process to re-establish the Standing Committee structure.

20. NOTICES OF MOTIONS

None

21. GENERAL INFORMATION

None

22. PRIVATE AND CONFIDENTIAL

None

23. ADJOURNMENT

BUDGET SESSION TO IMMEDIATELY FOLLOW

REGULAR COMMITTEE OF THE WHOLE BUSINESS

OUTSTANDING BUSINESS

	Issue	Date Action Initiated	Lead Dept/Div	Status	Agenda Item
A.	Report on Colliers Recommendations – HECFI Facilities	March 28/01	Community Services		2002 - Q1
B.	Demolition of 226 Avondale Street	April 25/01	N/A		TABLED by Ward Councillor
C.	Toll for Red Hill Creek Expressway	Nov 21/01	TOE/Finance	Staff to bring a report back on option for tolling Red Hill Creek Expressway	Awaiting Provincial Regulations
D.	Spreading of Biosolids	Nov 21/01	Transportation and Environment	TABLED pending Staff report	
E.	Aquafit Seniors/Disabled Fees	March 5/02	Community Services	Staff to prepare critical analysis	
F.	Council Communication - Residential Care Facilities	Jan. 23/02	Social and Public Health Services	Referred to staff for comments	
G.	Strategy to attract Factory Outlet stores	Feb. 13/02/further updated on August 6/02	Economic Development	Staff to bring implementation plan to Committee	
H.	Strategy for prioritizing abandoned industrial and commercial warehouse structures	Feb. 13/02 Aug. 13/02 follow-up request made	CMT	Staff to bring implementation plan to Committee	

	Issue	Date Action Initiated	Lead Dept/Div	Status	Agenda Item
I.	Remuneration and Expenses	March 5/02	Finance and Corporate Services	Staff to report back in future reports highlighting offsetting revenues which create a net expenditure, consultation with Councillors, indication of expenses authorized as Council expenses	March 2003
J.	Pest Control	May 7/02	Planning and Development	Staff to report back on control of pests/rodents prior to demolition permit issued	
K.	Hannon Post Office	May 7/02	Corporate Secretariat	Staff to report back on possibility of address changes that align with telephone exchanges	
L.	Correspondence from Hamilton District Labour Council/HUC Corporation Position Paper	Apr. 30/02	F&CS and HUC	Staff to bring report back	
M.	HR Matters	May 7/02	Economic Development	Staff to report back	
N.	Options for returning profits - Hydro	June 10/02	Finance and Corporate Services	Staff to report back with options for returning profits	
O.	Capital Program to modify mountable curb driveway approaches	July 2/02	TOE	Three sections tabled pending public consultation	

	Issue	Date Action Initiated	Lead Dept/Div	Status	Agenda Item
P.	Roles and Responsibilities of Committee of Adjustment	July 2/02	Planning and Development	Tabled pending further consultation with the community and report back on policy addressing political influence	
Q.	Uncovered crossovers on highways	August 6/02	Risk Management and Legal	Staff to bring report back on uncovered crossovers on highways	
R.	Delivery of ambulance services, response times, standards, dispatch	August 6/02	Chief Peace	Staff to bring report back on status of delivery	
S.	Floating Casino - West Harbour	August 13/02	Legal Services	Staff to report back on feasibility of securing a casino license for floating casino	Nov./02
T.	Downtown cleanliness	August 13/02	TOE	Staff to report back on how much it cost to keep the downtown clean prior and during FCM	
U.	Correspondence from Mr. Reginald Beaudry respecting Tree Species List	Council Communication of September 11, 2002	Community Services	Staff to report back to Committee of the Whole as part of the Forestry Management Plan exercise	
V.	Hamilton Future Fund	Sept. 10/02	Finance and Corporate Services	Staff to provide monthly reports to Council and Trustee Panel on the approved projects to assist in monitoring	Ongoing

	Issue	Date Action Initiated	Lead Dept/Div	Status	Agenda Item
W.	Services Review - City Maintenance Operations	Sept/10/02	City Manager	City Manager to provide ongoing and final reports to Council on behalf of the Services Review Committee	Ongoing
X.	Fee Waiver Policy	Sept. 10/02	Community Services	Staff to report back as part of the annual budget on the extent to which the City subsidizes third party use	Budget Deliberations
Y.	Hamilton's Wastewater System	Sept. 17/02	TOE	Staff to investigate possible partnership re: dredging of the Windemere basin, Updates	
Z.	Subsection g) HMRF/HWRF Pension Administration Sub-Committee Report	Sept. 24/02	COW	Tabled pending delegation from Hamilton Police Association appearing at HSC	
AA.	By-law to regulate postering of signs on public property	Sept. 17/02	TOE & FCS	Staff to prepare by-law to regulate	
BB.					
CC.					

SECTION 2

2.1

Committee of the Whole

MINUTES

9:30 a.m.
Tuesday, January 21, 2003
Council Chambers
Hamilton City Hall
71 Main Street West, Hamilton

Present:	Mayor R. Wade
	Councillors D. Braden, M. Caplan, C. Collins, F. D'Amico, L. DiIanni, M. Ferguson, A. Horwath, T. Jackson, B. Kelly, S. Merulla, M. McCarthy, D. Mitchell, B. Morelli, R. Powers
Absent with regrets:	Councillor A. Bain
Also Present:	R. Robertson, City Manager J. Rinaldo, Acting General Manager, Finance and Corporate Services B. Fenwick, Acting General Manager, Community Services J. A. Priel, General Manager, Social and Public Health Services C. Graham, General Manager, Human Resources R. Caterini, Deputy Clerk M. Gallagher, Co-ordinator, Council/Committee of the Whole

Mayor R. Wade called the meeting to order.

THE FOLLOWING ITEMS WERE REPORTED TO CITY COUNCIL FOR CONSIDERATION:

1. **Customer Contact Centre Implementation of 2002 Budget Decisions (CSE02024(b)) (City Wide) (Item 4.1)**

   That Report CS02024(b), respecting Customer Contact Centre Implementation of 2002 Budget Decisions be received. CARRIED.

2. **Stoney Creek Ravine Slope Re-Stabilization and Maintenance Chamber Protection Class Environmental Assessment (TOE03009) (Ward 5) (Item 4.2)**

   (a) That the Acting General Manager, Transportation, Operations and Environment Department be authorized and directed to file the Class Environmental Assessment (EA) Project File Report for the Stoney Creek Ravine Slope Re-Stabilisation and Maintenance Chamber Protection Class EA with the Municipal Clerk for a thirty (30) day public review; and

   (b) That upon completion of the Class EA process, the Acting General Manager, Transportation, Operations and Environment Department be directed to proceed with implementing the recommended mitigative measures. CARRIED

3. **Chief Roberta Jamieson respecting First Nations Governance Act (Item 5.1)**

   That staff be directed to draft a resolution for Council's consideration in support of the people of Six Nations of the Grand River with respect to the First Nations Governance Act. CARRIED

4. **Endorsement of Resolutions of the Federation of Canadian Municipalities Big City Mayors (MAY03001) (City Wide) (Item 6.1)**

   (a) That the City of Hamilton endorse the resolutions passed at the November 26, 2002 meeting of the Federation of Canadian Municipalities Big City Mayors Caucus (BCMC) attached as Appendix A to Report MAY03001;

   (b) That once approved, a copy of this report with a covering letter be sent to the:

      i) Prime Minister of Canada
      ii) Prime Minister's Caucus Task Force on Urban Issues
      iii) Federation of Canadian Municipalities and the Big City Mayors Caucus
      iv) All Area MP's and MPP's

for their information and action where appropriate.

(c) That a letter from the Mayor and this report be sent to the Chambers of Commerce in the City of Hamilton with a request that they support the BCMC resolutions and that they indicate their support to the parties above;

(d) That a letter from the Mayor and this report be sent to Halton Region and the Regional Municipality of Niagara with a request that they support the CMC resolutions and that they indicate their support to the parties above. CARRIED

5. 2003 Slip Fee Rental Rate Increase (CS03003) (City Wide) (Item 7.1)

That the 2003 marina slip rental fees at the City owned Harbour West Marina be approved as proposed within Report CS03003. CARRIED

6. Brownfield Pilot Project No. 1 - Beach Boulevard - Beach Community Real Estate and Development Inc. (ECO03001/CS03005)

(a) That the Offer to Purchase and the Brownfield Pilot Redevelopment Agreement attached thereto as Schedule D for the sale of City owned property municipally known as 422, 426, 428 and 456 Beach Boulevard, Hamilton, executed by Beach Community Real Estate and Development Inc. on January 3, 2003 and scheduled to close on the later of i) 30 days after all the terms and conditions as set out in the Brownfield Pilot Redevelopment Agreement have been completed, or ii) December 31, 2003, be approved at a purchase price of $200,000, and that this amount be credited to Account No 47702-3560150100 (Revenue/Sales);

(b) That the General Manager of Finance hold the deposit cheque in the amount of $20,000 until closing of this transaction;

(c) That the Mayor and the City Clerk be authorized and directed to execute all ancillary documents in a form satisfactory to Corporate Counsel;

(d) That the City Clerk be authorized and directed to execute and issue a Certificate of Compliance in the form prescribed pursuant to Section 193 of the Municipal Act incorporating the following:

(i) The property was declared surplus by resolution of City Council on June 27, 2000, (Item 5 of Report 13.0 of the Finance and Administration Committee);

(ii) An appraisal of the properties intended to be sold was completed on December 21, 2000;

(e) That the City enter into a Brownfield Pilot Redevelopment Agreement (Attachment C) with Beach Community Real Estate and Development Inc. regarding the terms and conditions governing the payment of brownfield pilot project funding for, and redevelopment of, properties municipally known as 422, 426, 428, 440, and 456 Beach Boulevard. CARRIED

7. City of Hamilton Compliance Requirements for Year 2003 - Community Reinvestment Funding Allocation (FCS03009) (Item 10.1)

That the City of Hamilton declare intent to use the year 2003 CRF funding allocation of $23,780,000 for the benefit of taxpayers as follows:

(a) CRF base funding, transit bonus and CRF Stabilization Bonus of $21,867,000 to reduce the City's 2003 net levy requirements;

(b) CRF bonus funding of $1,913,000 to reduce tax clawbacks for protected property assessment classes under Bill 140 (The Continued Protection to Taypayers Act, 2000). CARRIED

8. Noise By-law (LS03003) (City Wide) (Item 10.2)

(a) That By-law 02--317 be repealed;

(b) That the Noise By-law attached to Report LS03003 as Appendix 1 be approved and forwarded to Council for passage.

9. Durham Road at Celtic Drive - All Way Stop Request (TOE03008) (Ward 10) (Item 14.1)

(a) That an All-Way Stop be installed at the Intersection of Durham Road and Celtic Drive;

(b) That the appropriate by-law be passed and enacted.
CARRIED AS AMENDED.

10. Award of Contract C11-109-02 - Repair to the Kenora Waste Transfer (TOE03012) - (City Wide Implications) (Item 14.2)

(a) That the Acting General Manager of Transportation, Operations and Environment be authorized and directed to award the contract to the lowest acceptable bid received in accordance with the terms and specifications issued:

C11-109-02 - Repairs to the Kenora Waste Transfer Station
STF Construction Limited
$397,927.65 (includes $26,032.65 G.S.T.)
Lowest bid of two (2) acceptable bids

(b) That the cost of $397,927.65 (including $26,032.65 G.S.T.) be funded from the Self Insurance Reserve, Dept. Id. # 112100

(c) That upon completion of the Risk Management Division's investigation, the refund received from the insurance coverage of the at-fault party be deposited into the Self Insurance Reserve, Dept. Id. #112100.

(d) That the Mayor and the City Clerk be authorized and directed to execute the above-mentioned contract in a form satisfactory to the City Solicitor. CARRIED.

11. Lake Avenue and Queenston Road Eastbound Advance Green Signal Review (TOE03010) (Ward 5) (Item 14.3)

(a) That an advance green signal be installed at the intersection of Lake Avenue and Queenston Road Eastbound;

(b) That the signal be timed with peak periods as outlined in report TOE03010.

c) That the appropriate by-law be passed and enacted.

CARRIED AS AMENDED

12. Proposed Advance Budget Reductions - Solid Waste Management (TOE03004) (City Wide) (Item 14.4)

(a) That the frequency of scheduled Bulk Waste collection be reduced from six to three per year for 2003;

(b) That the frequency of scheduled Leaf and Yard Waste collection be retained at sixteen times per year for 2003

(c) That a fee of $20 per appliance containing CFCs be introduced in 2003 for the White Goods Program

(d) That the program changes outlined in Recommendations (a) and (c) above be communicated in the 2003 - 2004 Waste Collection Calendar;

(e) That the resulting cost savings from Recommendations (a) and (c) above be incorporated into the 2003 Budget.

(f) That staff be directed to prepare a report for the SWMMP Steering Committee which addresses issues/concerns relating to collection of bulk items that are illegally dumped. CARRIED.

13. Feasibility of Establishing a Three Container Limit for Residential Waste Collection (TOE03005) (City Wide) (Item 14.5)

(a) That in view of the closure of SWARU, curbside garbage collection service for the City be set at a **voluntary** limit of three containers per single family residential household per week effective March 31, 2003, to increase diversion of waste from landfill through the city's recycling and leaf and yard waste programs;

(b) That an awareness campaign be incorporated into the communications Strategy for the recycling program changes;

(c) That notice be provided to residents that set out containers in excess of the three container limit to educate them on the options to reduce waste set out for collection;

(d) That the General Manager of Transportation, Operations and Environment report back during the 2004 budget process but not later than January 2004, on the level of voluntary compliance and the need to enforce the three container limit.

CARRIED.

Note: During the Week of Victoria Day, Week following Thanksgiving and the Week following Christmas, residents would be allowed to set out up to six containers for collection.

Councillors T. Jackson and F. D'Amico OPPOSED to this item.

14. Privacy Complaint Report (File MC 020017-1) (Item19.1)

Whereas the office of the Information and Privacy Commissioner of Ontario has issued a final Privacy Complaint Report (File MC 020017-1) relating to the collection of personal information of tenants of licensed Residential Care Facilities.

Whereas the Commissioner's report has concluded the following:

- the information reviewed and collected by City inspectors IS the personal information of the tenants and other individuals
- the collection of tenants' personal information was in compliance with the Act, as was the city's manner of collection BUT

- Notice of the collection was NOT provided in accordance with the Act

Therefore be it resolved that:

a) The City take specific steps to comply with the act

b) The City make available to tenants in a reasonable time frame, the nature of the information collected, the reasons for collecting it and what the city is doing with the information.

c) The City review the types of information it intends to collect to ensure that all the information listed in the bylaw is necessary to the city's oversight mandate.

d) That staff prepare a report on the above and bring it back to COW within the next 60 days. CARRIED AS AMENDED.

15. Winterfest Grants (GRA02045)

That the Winterfest Grants to various group throughout the city of Hamilton in the amount of $2,629.75 as outlined in Report GRA02045 be approved and funded through the 2002 Community Grants budget for the Equipment Loan Program. CARRIED.

FOR THE INFORMATION OF COUNCIL:

(a) Declarations of Interest
None

(b) Minutes of January 7, 2003

The Minutes of January 7, 2003 were adopted as presented.

(c) Delegation Requests

The following delegation request was approved for referral to the Hearings Sub-Committee:

3.1 Mr. George Varlis respecting 307 and 309 Dundurn Street south - Front of House Parking

(d) The following report were withdrawn:

22.2 Litigation Matter File #97-017
22.3 Litigation Matter File

(e) Chief Roberta Jamieson respecting First Nations Governance Act (Item 5.1)

Committee received a video presentation titled "A Call to Action" by Chief Jamieson on the First Nations Governance Act.

(f) Update on Watermain Break

Committee received an update on the watermain break (Locke to Dundurn/Aberdeen to Hunter Areas)

(g) Proposed Advance Budget Reductions - Solid Waste Management (TOE03004) (City Wide) (Item 14.4)

This item was split for voting purposes:

An amendment to reduce the Bulk Waste collection from 6 to 4 times per year was DEFEATED.

An amendment to reduce the Bulk Waste collection from 6 to three times per year CARRIED on a recorded vote as follows:

Yeas: Mayor R. Wade, Councillors D. Braden, C. Collins, M. Ferguson, M. McCarthy, D. Mitchell, R. Powers

Total: 7

Nays: Councillors S. Merulla, F. D'Amico, L. DiIanni, A. Horwath, T. Jackson
Total: 5

Subsection (b)
That the frequency of scheduled Leaf and Yard Waste collection be retained at sixteen times per year for 2003 CARRIED on a Recorded Vote as follows:

Yeas: Mayor R. Wade, Councillors S. Merulla, C. Collins, F. D'Amico, L. DiIanni, M. Ferguson, A. Horwath, T. Jackson, R. Powers
Total: 9

Nays: Councillors D. Braden, M. McCarthy, D. Mitchell
Total: 3

Subsection(c)
That a fee of $20 per appliance containing CFCs be introduced in 2003 for the White Goods Program CARRIED on a Recorded Vote as follows:

Yeas: Mayor R. Wade, Councillors D. Braden, C. Collins, F. D'Amico, L. Dilanni, M. Ferguson, A. Horwath, T. Jackson, M. McCarthy, D. Mitchell, R. Powers
Total: 11

Nays: Councillor S. Merulla
Total: 1

Subsections (d) and (e) CARRIED.

A further request for a staff report on area rating on leaf and yard waste was made by Councillor Mitchell.

(h) Notice of Motion - Councillor Merulla

That staff explore utilizing the Community Service Centres as a revenue source for those buildings (i.e. utilizing sponsorships)

(i) Emergency Resolution - CUPE 5167 (Item 22.1)

Committee moved In Camera to deliberate matters relating to personnel and labour negotiations and reconvened in Open Session. Staff were directed to report back in 30 days.

The meeting adjourned at 1:40 p.m.

Respectfully submitted,

Mayor R. Wade

R. Caterini, Deputy Clerk
M. Gallagher, Co-ordinator
Council/Committee of the Whole

SECTION 3

From: mercia [mailto:mercia@joshuacenter.org]
Sent: Tuesday, January 21, 2003 3:52 PM
To: arawling@hamilton.ca
Subject: FROM THE OFFICE OF PASTOR ACE CLARKE

Dear Alexandra: Thank-you for returning my phone call and leaving your e-mail address. In June of 2002 I completed a fund raising walk from Windsor to Hamilton (401Km) and was met at City Hall by Alderman Frank D'Amico. I pastor a church called The Joshua Center here in Hamilton and in June of 2001 we purchased an office building (627 Main Street E) with a view to starting the Hamilton Dream Center. The Hamilton Dream Center will be a center for those who are in need of help with addiction problems, food and clothing. Also we plan to have youth and children's programs. We also plan to institute a program designed to restore confidence and pride in the neighbourhood.

Alderman D'Amico offered to assist me in addressing the members of City Council to inform them as to how this will all take place and approach them with a view to assisting us to reach our goals.

This summer we plan to to run a summer day program geared to youth in crisis and potential delinquincy.

I look forward to hearing from you soon. Best regards.
Ace Clarke

Sent via the the WebMail system from http://www.joshuacenter.org

SECTION 4

CITY WIDE IMPLICATIONS

4.1

CITY OF HAMILTON

FINANCE & CORPORATE SERVICES
Financial Services

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Joseph L. Rinaldo General Manager
Date:	January 13, 2003	**Prepared by:**	Rick Male 905-546-4157

SUBJECT: **Monthly Status Report of Tenders and Requests for Proposals for December 2002 - FCS02014(l)- (City Wide)**

RECOMMENDATION:

That the Monthly Status Report of Tenders and Requests for Proposals for December 2002 as set out in Appendix 'A' to Report FCS02014(l) be received for information.

Joseph Rinaldo

Joseph L. Rinaldo, General Manager,
Finance & Corporate Services

EXECUTIVE SUMMARY:

This report is in accordance with our Policy #6, Council Approval of Contracts, whereby a Council report recommending award of a tender or proposal is not required when the criteria outlined in Items a. through d. of the policy have been met.

BACKGROUND:

Tenders and Proposals reported in this document have been issued in accordance with Purchasing Policies and are being awarded to the lowest acceptable bid.

Staff will continue to report to Council on awards where the conditions have not been met.

Those items with a status of "Under Review" or "Pending Approval" will remain on the report until such time an award is made.

ANALYSIS OF ALTERNATIVES:

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

POLICIES AFFECTING PROPOSAL:

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

This report encompasses all Tenders and Proposals issued by the City and is produced in consultation with the Transportation, Operations and Environment Department.

CITY STRATEGIC COMMITMENT:

The recommendation contained within this report has City-wide implications.

Tenders and Proposals are issued to encourage the competitive bidding process with objective and equitable treatment of all vendors, in accordance with the Purchasing Policies approved by Council. Further, the City of Hamilton's commitment to procure goods and/or services with due regard to the preservation of the natural environment and to encourage the use of "environmentally friendly" products and services, as supported by the Pollution Prevention Committee.

CITY OF HAMILTON

Summary of Tenders & Proposals Issued - December, 2002

Reference	*Project Description*	*Closing Date*	*Status Award Information*
C4-01-02	RFP for the Provision of Newspaper Advertising Space	July 5	Recommendation in Process
C4-03-02	RFP for the Provision of Direct Distribution Advertising	July 5	Recommendation in Process
C11-35-02	Supply & Delivery of Brake Parts and Service for Cars, Light Duty Trucks and Heavy Duty Vehicles	July 17	Pending Award
C12-8-02	H.V.A.C. Maintenance Services Required at Various Facilities	July 31	Part “B” – Macassa Lodge - Pending
C3-53-02	RFP for Advance Care Paramedic Training Program	August 22	Award Pending Ministry Approval
C6-04-02	Tender for Provision of a Service Provider for Enforcement of Municipal By-Laws	August 29	One Bid Received Under Review
TOE-02-42(HSW)	Road reconstruction, storm sewer construction, sanitary sewer repairs and watermain replacement on Wellington Street North from Cannon Street to Barton Street. (City of Hamilton Wards 2 and 3).	August 29	Partial award or full award of contract under review or in progress
TOE-02-46(HW)	Watermain replacement on Highland Road West from Second Road West to Carlson Street and asphalt resurfacing on Highland Road West from Glenhollow Drive to Carlson Street and Second Road West from Highland to North limits. (City of Hamilton Ward 9)	September 3	Partial award or full award of contract under review or in progress
TOE-02-51(HW)	Proposed watermain replacement and road reconstruction on East 34th St., from Macassa Avenue to Fennell Ave. East and on East 35th Street, from Brucedale Ave. to Queensdale Ave.	September 24	Dufferin Construction Company $1,170,665.60
C9-08-02	**REISSUANCE** - RFP for Provision of a Service Provider for Employee Assistance/ Critical Incident Response Program for Hamilton Police Service	October 11	Under Review

Reference	***Project Description***	***Closing Date***	***Status Award Information***
TOE-02-57(HSW)	Road and sidewalk reconstruction and watermain replacement on Airdrie Ave. from Melvin Ave. to Britannia Ave. and on Bernard St. from Melvin Ave. to Martha St. (Ward 4)	October 24	Elgin Construction o/a 969774 Ontario Limited $941,035.32
C11-83-02	Tender for Street Lighting Maintenance and Electrical Locates	November 1	RJ Cramm Electric 2 years - $376,700
C11-74-02	RFP for Recycling Collection and Operation of the Material Recycling Facility	November 5	City Curbside Collection and Cart Collection awarded to Halton Recycling Ltd $14.51 million Operation of MRF awarded to Canada Fibers $5.14 million
C6-14-02	RFP for IP Telephony Solution and Data Infrastructure Upgrade	November 8	Pending Award
TOE-02-62(H)	Proposed sidewalk construction on various streets in the City of Hamilton	November 12	Partial award or full award of contract under review or in progress
C11-85-02	Tender for Preparation & Painting of Various Bridge Railings	November 12	Northern Painters $59,481.00
C12-19-02	RFP for Professional and Consulting Services Roster	November 12	List of successful consultants is available on the S Drive at: S:\Hamilton\Finance\FIN\Purchasing\ Roster 2003
C3-88-02	RFP for Project Management Services of Four (4) Bundled Projects - **Kiwanis Boys and Girls Club Renovations** (Construction Phase) - **Heritage Green Sports Park** (Landscape Pre-Construction and Construction Phases) - **Walker Outdoor Pool Renovations** (Pre-Construction and Construction Phases) - **Hamilton Waterfall Program** (Pre-Construction and Construction Phases)	November 15	Under Review

Reference	***Project Description***	***Closing Date***	***Status*** ***Award Information***
C11-91-02	Tender for Supply & Delivery of 7 (Seven) D.A.R.T.S. Vehicles – with option to purchase up to 6 (Six) additional vehicles	November 15	Under Review
TOE-02-56(S)	Proposed sanitary sewer construction on First Street from Highway No. 5 (PS D14) to Approx. 73 m NW of Niska Drive (Ward 15)	November 21	Wm. Goves $487,050.09
C3-85-02	RFP for Records Management System for Emergency Services – Fire	November 28	Under Review
C3-86-02	RFP for Design, Selling of Advertising, Printing and Distribution of the Culture and Recreation Activity Guide	November 28	Cancelled – To Be Re-Issued as a Quotation
C11-93-02	Tender to Supply and Deliver Part One: Four 4 Door Crew Cab Trucks with Stake Dump Part Two: One 2 Door Standard Cab Truck with Stake Dump Part Three: One 4 Door Crew Cab Truck with Dump Box and Crane	December 4	Part One, Two, and Three: Forbes Bros $266,507.00
C9-09-02	Tender for Supply and Delivery of Computers, Servers and Related Components	December 5	Under Review
C3-93-02	Tender for Supply and Delivery of Four (4) Special Service Vehicles 1SS Preferred Equipment Group with 4x4 Options	December 6	Under Review
C3-92-02	RFP for GPS Based Automatic Vehicle Location System	December 10	Under Review
C11-102-02	RFP for Design, Printing and Bundling of Calendar for Waste Management	December 11	Under Review
C5-03-02	RFP for Provision of Consulting Services to Develop A Business Plan for HR Matters – Phase II	December 13	Under Review
C11-95-02	Tender for Supply and Delivery of Traffic Sign Mounting Posts & Hardware	December 19	Under Review
C4-04-02	RFP for Print Management Services and Related Equipment Services	December 20	Under Review

Reference	***Project Description***	***Closing Date***	***Status Award Information***
C11-105-02	Tender for Complete Refurbishment of Two 1982 GMC Model TA60102N Articultated Transit Buses	December 20	Under Review
C11-99-02	Part 2 – Tender for Ceiling Rehabilitation of the Northeast and Southeast Quadrants of the Water Filtration Building at the Woodward Avenue Water Treatment Plant	December 20	Under Review
C11-109-02	Tender for Repairs to the Kenora Waste Transfer Station	December 23	Under Review

CITY WIDE IMPLICATIONS

4.2

CITY OF HAMILTON

FINANCE AND CORPORATE SERVICES
Revenues Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by**:	Joseph L. Rinaldo, General Manager
Date:	January 8, 2003	**Prepared by:**	Frank Carrocci, Director of Revenues 905.546.2058

SUBJECT: **Interim Tax Levy & Temporary Borrowing By-Laws FCS03014 (City Wide)**

RECOMMENDATION:

That Attachments 'A' and 'B' to report # FCS03014 be approved as presented:

Attachment A – By-Law to Authorize the Temporary Borrowing of Monies to Meet Current Expenditures Pending Receipt of Current Revenues

Attachment B – By-Law to Authorize an Interim Tax Levy

Joseph Rinaldo

Joseph L. Rinaldo, General Manager
Finance & Corporate Services

EXECUTIVE SUMMARY:

Both the Interim tax levy, and temporary borrowing by-laws protect the City and ensure that there is a continuing cash flow to fund operations.

BACKGROUND:

The information contained within this report pertains to all wards.

Council normally approves by-laws dealing with the interim taxes, and the Corporation's ability to borrow funds should they be required on a temporary basis at this time of year.

Attachment 'A' – Temporary Borrowing By-Law

The Corporation's ability to ensure that it has an adequate cash flow to meet its operating commitments are set out in section 407 of the Municipal Act, 2001. The allowable percentages set out in section 407 are 70% of estimated revenues prior to September 30th and 45% afterwards. It is important to note that actual borrowings under this provision have historically been very limited in both magnitude and duration.

Attachment 'B' – Interim Tax Levy

In the course of its operations the Corporation incurs expenses on a regular basis. These expenses, including items such as employee wages, material expenditures and school board requisitions, would require significant temporary borrowing without the ability to levy taxes in advance of the final tax rate by-laws. Section 317 of the Municipal Act, 2001 permits the levy of up to 50% of the prior year's taxes (annualised for adjustments such as supplementary assessments).

The Interim Tax Levy by-law provides the formal mechanism whereby Council can effect this pre-levy. The dates of the instalments for this Interim Levy are proposed to be set at February 28th, and April 30th. This is consistent with those applied in prior years.

ANALYSIS OF ALTERNATIVES:

N/A

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

A By-law is required in order to issue the interim levy at this point in time in order to provide for an adequate cash flow to manage the operations of the City, and to meet obligations regarding the remittance of quarterly levies issued by the School Boards. Additionally, it is prudent to pass a by-law to provide for interim borrowing capacity in the event that it is required.

POLICIES AFFECTING PROPOSAL:

N/A

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

The Legal Department has been consulted as to the form of the by-laws.

CITY STRATEGIC COMMITMENT:

Interim borrowing capacity and tax levies are required in the early part of each year in order to ensure the financial means are available to ensure continuity of the City's operations.

Authority:

BILL NO.

CITY OF HAMILTON

BY-LAW NO.

To Authorize the Temporary Borrowing of Monies to Meet Current
Expenditures Pending Receipt of Current Revenues.

WHEREAS the Council for the City of Hamilton deems it necessary to pass and enact a by-law to authorize the temporary borrowing of monies by the city to meet current budget expenditures for the year 2003 pending receipt of current revenues;

AND WHEREAS section 407(1) of the *Municipal Act*, 2001, provides as follows:

"A municipality may authorize temporary borrowing, until the taxes are collected and other revenues are received, of the amount council considers necessary to meet the current expenditures of the municipality for the year"

AND WHEREAS Section 407(2) of the said Act, imposes certain limitations on the amounts that may be borrowed at any one time:

NOW THEREFORE the Council for the City of Hamilton hereby enacts as follows:

1. (1) The City of Hamilton is hereby authorized to borrow from a Bank or person by way of Promissory Notes or Bankers Acceptances from time to time a sum or sums of monies not exceeding at any one time the amounts specified in subsection (2) to pay off temporary bank overdrafts for the current expenditures of the City for the year 2003, including amounts for sinking funds, principal and interest falling due within such fiscal year and the sums required by law to provide for the purposes of the City.

(2) The amount of monies that may be borrowed at any one time for the purposes of subsection (1), together with the total of any similar borrowings that have not been repaid, shall not, except with the approval of the Ontario Municipal Board, exceed the prescribed percentages of the total of the estimated revenues of the City as set forth in the estimates adopted for the year, which percentages are set out in section 407 of the *Municipal Act, 2001* as it may be amended from time to time.

2. (1) Until estimates of revenue of the City for the 2003 year are adopted, borrowing shall be limited to the estimated revenues of the City as set forth in estimates adopted for the next preceding year.

   (2) The total estimated revenues of the City, including the amounts levied for Education purposes, adopted for the year 2002 are One Billion, One Hundred and Sixty Million, One Hundred and Eighty-Eight Thousand dollars ($1,160,188,000).

3. All sums borrowed pursuant to the authority of this by-law, together with any and all similar borrowings in the current year and in previous years that have not been repaid shall, together with interest thereon, be a charge upon the whole of the revenues of the City for the current year and for all preceding years, as and when such revenues are collected or received.

4. The Treasurer shall, and is hereby authorized and directed to, apply in payment of all sums borrowed pursuant to this by-law, together with interest thereon, all of the monies thereafter collected or received for the current and preceding years, either on account or realized in respect of taxes levied for the current year and preceding years or from any other sources which may lawfully be applied for such purpose.

5. That the Mayor and failing such person, the Deputy Mayor of the City Council and failing such person, the City Manager, together with the Treasurer or any one of the Temporary Acting Treasurers be authorized and directed to sign and execute the aforesaid Promissory Notes and Bankers Acceptances, hypothercations, agreements and such other documents, writings and papers which shall give effect to the foregoing.

6. This by-law shall come into force and effect on the 1st day of January 2003, and shall remain in force and effect until December 31, 2003.

PASSED and ENACTED this day of , 2003 A.D.

MAYOR

CITY CLERK

Attachment B to FCS03014

Authority:

BILL NO.

CITY OF HAMILTON

BY-LAW NO.

To Authorize AN INTERIM TAX LEVY for 2003

WHEREAS the Council for the City of Hamilton deems it necessary to pass a by-law to levy on the whole of the assessment for each property class in the local municipality rateable for a local municipality purpose, a sum not to exceed that which would be produced by applying the prescribed percentage (or 50 percent if no percentage is otherwise prescribed) of the total amounts billed to each property for all purposes in the previous year on the properties that, in the current year, are in the property class as provided for in Section 317 of The Municipal Act, 2001;

AND WHEREAS Section 317 of The Municipal Act, also authorizes a Municipal Council, by by-law, to adjust the interim taxes on a property if the Council is of the opinion that the Interim Levy on a property is too high or too low in relation to its estimate of the total taxes which will be levied on the property in 2003;

NOW THEREFORE the Council for the City of Hamilton hereby enacts as follows:

1. The interim tax levies shall be levied and collected upon the whole of the rateable property categories in columns 1 and 2, shown below:

Column 1	Column 2
Class	**Class Code**
Residential	RT
Farmlands Awaiting Development	C1
Multi-Residential	MT
Residual Commercial	CT/DT
Residual Commercial Vacant	CU/DU
Shopping Centre	ST
Shopping Centre Vacant	SU

Parking and Vacant Commercial Land	CX/GT
Residual Industrial	IT
Residual Commercial Vacant Land and Unit	IU/IX
Large Industrial	LT
Large Industrial Vacant	LU
Pipeline	PT
Farmland	FT
Managed Forest	TT
Rail Right of Way	WT CN
Rail Right of Way	WT CP
Utility Right of Way	UT

2. The interim tax levy shall become due and payable in two installments as follows:

> Fifty percent of the interim levy, rounded upwards towards the next whole dollar, shall become due and payable on the 28th day of February, 2003 and the balance of the interim levy shall become due and payable on the 30th day of April, 2003 and non-payment of the amounts due on the dates stated, in accordance with this section, shall constitute default.

3. The penalties and interest on the interim taxes in arrears shall be 1.25% per month, imposed on the first day of default and on the first day of each calendar month thereafter in which default continues.

4. The interim tax levy rates shall also apply to any property added to the Assessment Roll after this By-law is enacted.

5. This by-law shall come into force and effect on the 1st day of January, 2003.

PASSED and ENACTED this day of , 2003 A.D.

MAYOR

CITY CLERK

AFFECTS
WARD 11

CITY OF HAMILTON

4.3

PLANNING AND DEVELOPMENT DEPARTMENT
Development Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date:	January 16, 2003	**Prepared by:**	Kristen Boulard
File:	ZAR-02-87		(905) 643-1262, Ext. 331

SUBJECT: **Request for Removal of the Holding (H) Provision - Lands Located at 1052 South Service Road, in the Former City of Stoney Creek (PD03028) (Ward 11)**

RECOMMENDATION:

(a) That approval be given to **Zoning Application ZAR-02-87, Russel Metals Inc., owner**, requesting removal of the Holding "H" Provision under Section 36(1) of the Planning Act, R.S.O., 1990, to allow the use of the land, in accordance with the Prestige Industrial "MT" Zone and the General Industrial "MG" Zone, for those lands located at 1052 South Service Road, shown as Blocks "1" and "2" on Appendix "A" to Report PD03028, on the following basis:

  (i) That Block "1" be rezoned from the Prestige Industrial Holding "MT (H)" Zone to the Prestige Industrial "MT"; and,

  (ii) That Block "2" be rezoned from the General Industrial Holding "MG(H)" Zone to the General Industrial "MG" Zone.

(b) That the draft By-law to amend Zoning By-law No. 3692-92, attached as Appendix "B" to Report PD03028, be forwarded to Council for adoption.

(c) That the proposed change in zoning is in compliance with the Official Plan for the Hamilton Planning Area (Stoney Creek).

LeeAnn Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

The purpose of this By-law is to remove the Holding (H) Provision for those lands located 1052 South Service Road, as shown on Appendix "A". The owner, Russell Metals Inc., has submitted this application to allow for the development of a steel processing, warehousing and storage facility that includes an auxiliary office in accordance with the Prestige Industrial "MT" and General Industrial "MG" Zones.

The Holding provision was imposed to facilitate the orderly development of the Business Park (land assembly) and to address Stormwater Management to the satisfaction of the City. The applicants have already applied for Site Plan Control. Site Plan Control is the appropriate process to address Stormwater Management. As part of the Site Plan application, a Stormwater Management Report, completed by W. G. Notenboom Consulting Engineer, was submitted to the City in January, 2003. Since this study is being reviewed as part of the Site Plan approval process, staff supports the application to remove the Holding Provision.

BACKGROUND:

On May 31, 1994, the City of Stoney Creek Zoning By-law No. 3692-92 was approved. This By-law rezoned the land designated as "Industrial" within the Official Plan of Stoney Creek with a Holding provision to address issues such as storm drainage and land assembly. The only issue affecting the subject lands is storm drainage.

According to the provisions of the Prestige Industrial "MT" and General Industrial "MG" zones within Stoney Creek Zoning By-law No. 3692-92, the proposed use is permitted. The development of the site is subject to Site Plan Control. The owners, Russell Metals Inc., have submitted a Site Plan Control Application for approval to the City.

ANALYSIS OF ALTERNATIVES:

N/A.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

As required by the Planning Act, Council approval is required for removal of a Holding Provision. A Public Hearing is not required; however, notice of the intent to pass the By-law must be given. There are no financial or staffing implications related to this proposal.

POLICIES AFFECTING PROPOSAL:

Provincial Policy Statement

The application falls within the parameters of the Provincial Policy Statement.

Hamilton – Wentworth Official Plan:

The subject property is designated as Business Park within the Hamilton-Wentworth Official Plan. The main function of the Business Park is to accommodate uses that require relatively low-density sites with the locational advantage that come from being in a particular Business Park. Primary uses within the Business Park designation shall be manufacturing, processing, repairing and service operations and warehousing. The proposed application conforms to the intent of the Hamilton-Wentworth Official Plan.

Stoney Creek Official Plan

The subject lands are designated as Industrial – Business Park on Schedule "A", General Land Use Plan. The proposal conforms to the general intent of the Official Plan.

With respect to Holding By-laws, the Plan states that when all conditions specified in the Holding By-law are met, Council may consider passing a By-law to remove the Holding Provision and allow development to take place in accordance with the zoning category assigned.

Stoney Creek Zoning By-law 3692-92:

The subject lands are zoned Prestige Industrial (Holding) "MT (H)" and General Industrial (Holding) "MG (H)" in Zoning By-law No. 3692-92. The primary uses within these zones shall be manufacturing, processing, repairing and service operations, warehousing and storage uses, as well as a small number of additional uses. The proposal complies with the zoning regulations.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Development Engineering Section, Planning and Development Department:

We have reviewed the application and have no objections to the removal of the designated Holding (H) Provision placed on the subject lands.

Hamilton Conservation Authority:

The Authority has reviewed the application and has advised that "Stormwater Management will be required for this development to control water quality and water quantity. We recommend that the Holding provision not be removed until the Site Plan for this property has been approved."

CITY STRATEGIC COMMITMENT:

The removal of the Holding Provision will allow for the development of a serviced industrial lot within the Urban Area, contributing to the City's economic development goals and business attraction.

COMMENTS:

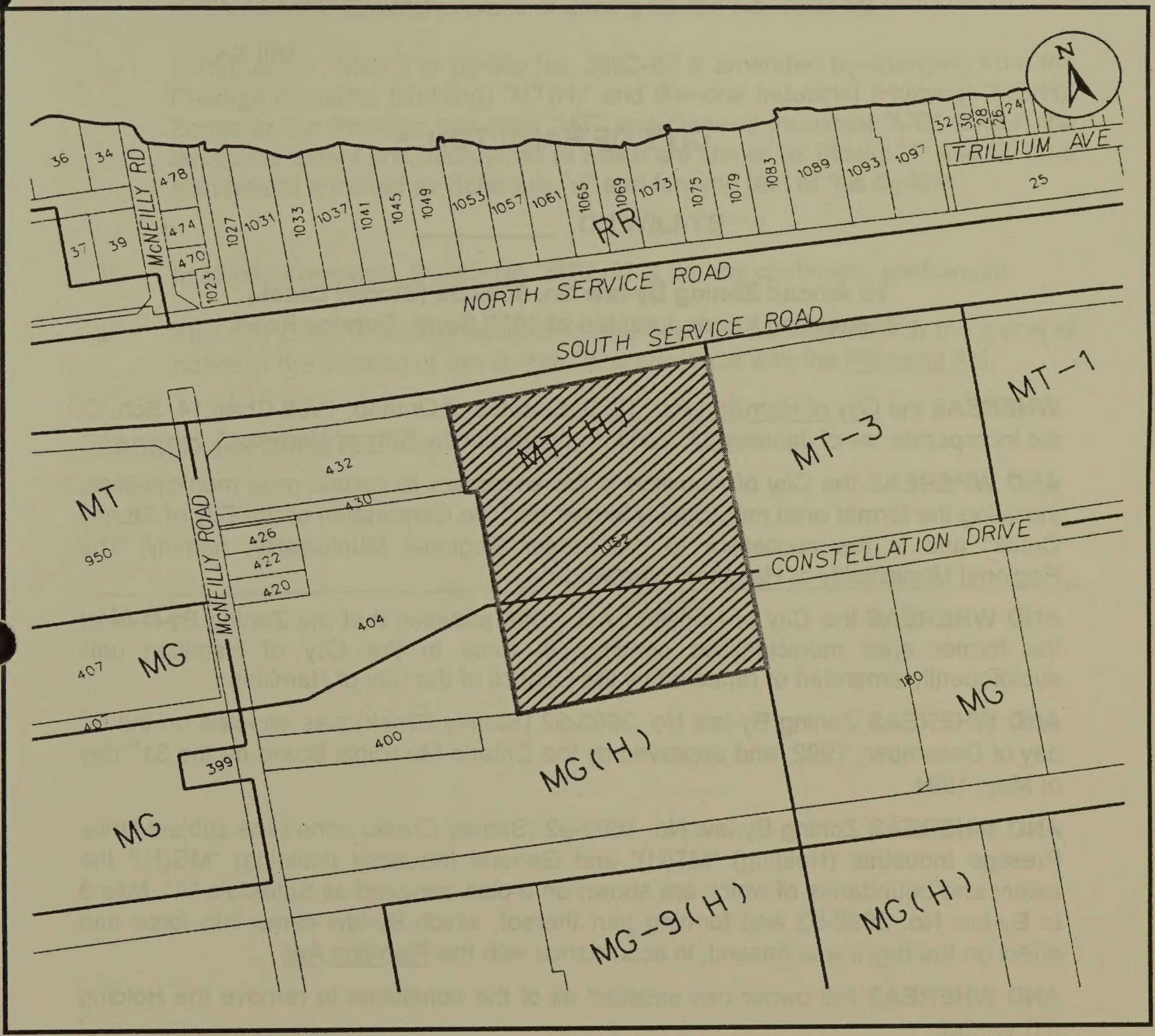
The Holding provision was affixed to the zoning of the subject lands in order to ensure that Stormwater Management was addressed, to the satisfaction of the City, prior to any development taking place or for the assembly of lands in order to assist in the development of the area. The subject lands are subject to Site Plan Control prior to the issuance of a building permit. Site plan Control is the appropriate process to address Stormwater Management and the Site Plan will not be approved until the Stormwater Management Report has been approved, to the satisfaction of the City, Hamilton Conservation Authority and Ministry of Transportation. The applicants have submitted a Stormwater Management Study to be reviewed as part of the Site Plan Control application.

CONCLUSION:

Based on the foregoing, staff support the removal of the Holding (H) Provision from the subject land.

:KB
Attachs. (3)

Appendix “A” to Report PD03028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MCNEILLY RD
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RR
NORTH SERVICE ROAD
SOUTH SERVICE ROAD
MT-1
MT(H)
MT-3
MT
432
430
426
422
420
950
1052
CONSTELLATION DRIVE
MCNEILLY ROAD
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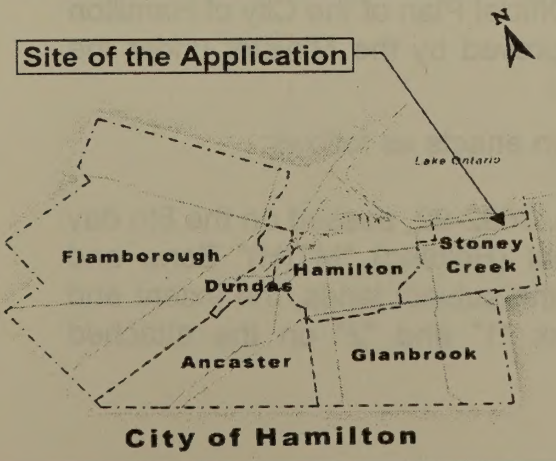
MG(H)
MG
MG-9(H)
MG(H)


Site of the Application
N
Lake Ontario
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook
City of Hamilton

PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

▨ **Subject Property**
1052 South Service Road

Hamilton

Filename/number
ZAR-02-87

Date
December 13, 2002

Technician:
NM

Map Not to Scale

Appendix "A"

Authority: Item , COW
Report 03- (PD03028)
CM: February 12, 2003

Bill No.

CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting Lands Located at 1052 South Service Road

WHEREAS the City of Hamilton Act. 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1st, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the City of Stoney Creek" and is the successor to the former Regional Municipality, namely, The Regional Municipality of Hamilton-Wentworth;

AND WHEREAS the City of Hamilton Act, 1999 provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 3692-92 (Stoney Creek) was enacted on the 8th day of December, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1994;

AND WHEREAS Zoning By-law No. 3692-92 (Stoney Creek) zoned the subject lands Prestige Industrial (Holding) "MT(H)" and General Industrial (Holding) "MG(H)" the extent and boundaries of which are shown on a plan annexed as Schedule "A", Map 3 to By-law No. 3692-92 and forming part thereof, which By-law came into force and effect on the day it was passed, in accordance with the Planning Act;

AND WHEREAS the owner has satisfied all of the conditions to remove the Holding (H) symbol;

AND WHEREAS this by-law is in conformity with the Official Plan of the City of Hamilton (formerly the City of Stoney Creek Official Plan), approved by the Minister under the Planning Act on May 12, 1986;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. The "H" (Holding) symbol affixed by By-law No. 3692-92, passed on the 8th day of December 1992, to the Prestige Industrial (Holding) "MT(H)" Zone and General Industrial (Holding) "MG(H)" Zone of the subject lands, the extent and boundaries of which are identified as Blocks "1" and "2" on the attached

Schedule "A", is hereby removed, and the development of the lands may proceed in accordance with the Prestige Industrial "MT" Zone and General Industrial "MG" Zone provisions of Zoning By-law No. 3692-92.

2. Schedule "A", Map 3 to By-law No. 3692-92 is amended by changing from the Prestige Industrial (Holding) "MT(H)" and General Industrial (Holding) "MG(H)" Zones to the Prestige Industrial "MT" and General Industrial "MG" Zones, the lands, the extent and boundaries of which are shown as Blocks "1" and "2" on a plan hereto annexed as Schedule "A" and forming part of this By-law.

3. In all other respects, By-law No. 3692-92 is hereby confirmed, unchanged.

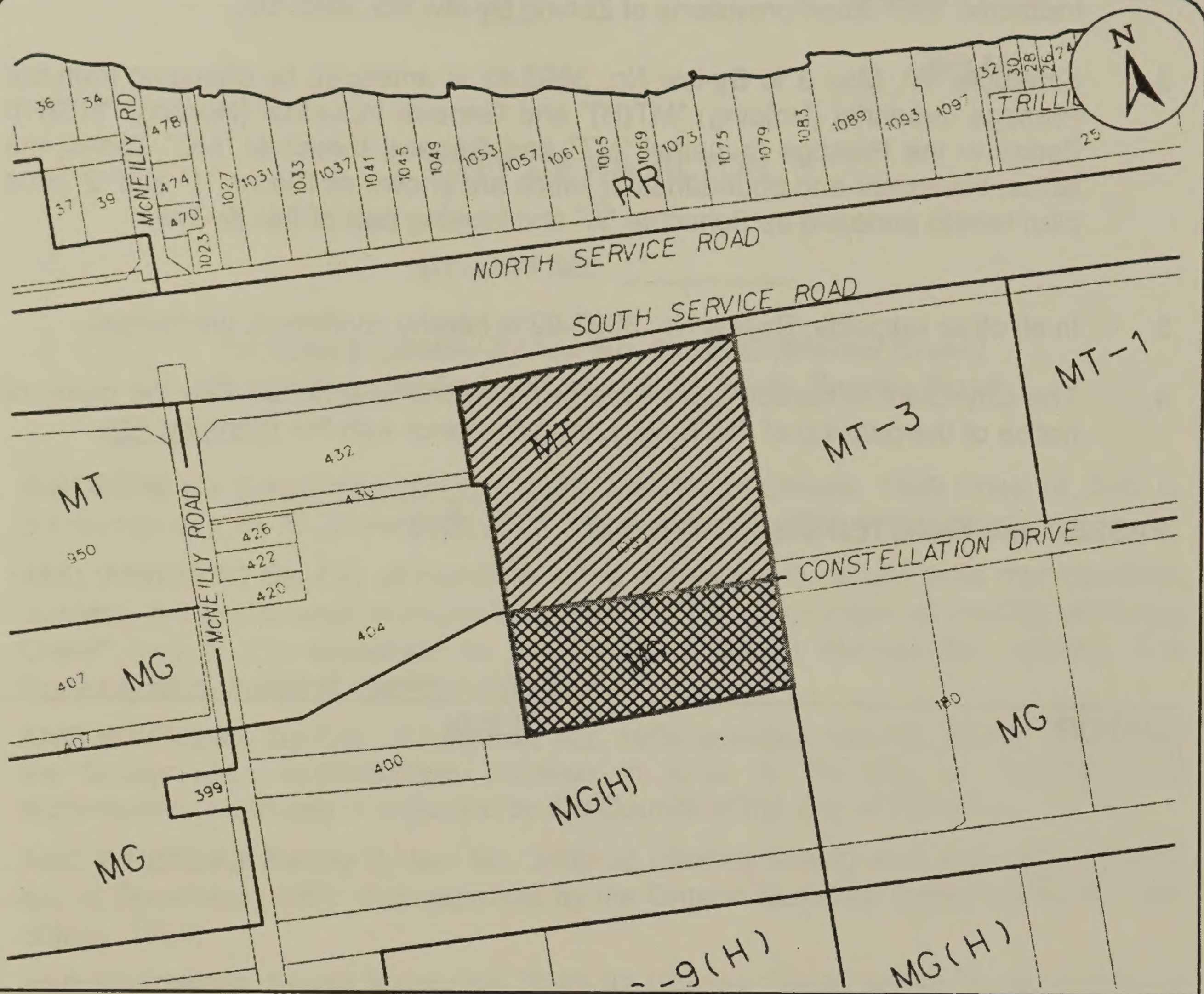
4. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this day of , 2003.

MAYOR

CLERK

Schedule "A" to Report PD03028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TRILLI
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RR
NORTH SERVICE ROAD
SOUTH SERVICE ROAD
MT-1
MT-3
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430
426
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420
950
McNEILLY ROAD
CONSTELLATION DRIVE
404
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MG
MG
407
180
MG
400
399
MG(H)
MG
-9(H)
MG(H)

This is Schedule "A" to By-Law No. 03—

Clerk

Passed the .... day of .... ,2003

Mayor

Schedule "A"

Map Forming Part of
By-Law No. 03-_____
to Amend By-Law No. 3692-92

Hamilton

Planning and Development Department

Legend

▨ Block 1 - FROM MT(H) TO MT

▩ Block 2 - FROM MG(H) TO MG

North	Scale	Reference File No.
	NOT TO SCALE	*ZAR-02-87*
	Date	Drawn By
	January 16, 2003	*MC*

**AFFECTS
WARD 2**

CITY OF HAMILTON

4.4

PLANNING AND DEVELOPMENT DEPARTMENT
Downtown Renewal Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date: **File:**	January 17, 2002 1001-2	**Prepared by:**	Hazel Milsome (905) 546-2755

SUBJECT: Downtown Hamilton Business Improvement Area (B.I.A.) Revised Board of Management (PD03006(a)) (Ward 2)

RECOMMENDATION:

That the following individual be appointed to the Downtown Hamilton B.I.A.'s Board of Management:

Cindy Knaus, Ramada Plaza Hotel – 150 King Street East

LeeAnn Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

Appointment of a new member to the Downtown Hamilton B.I.A.'s Board of Management.

BACKGROUND:

The Downtown Hamilton B.I.A.'s Board of Management, at its meeting held January 15, 2003, elected Cindy Knaus to its Board of Management for the remainder of the 2001-2003 term of office. The Board of Management also accepted the resignation of Eddy Foo from the Board.

The Downtown Hamilton B.I.A.'s constitution dictates that the Board of Management will consist of a maximum of seventeen (17) members and a minimum of seven (7) members (not including its Ward Councillor). The appointment of the above individual brings the number of Board members to fourteen (14), not including the Ward Councillor, and therefore is in accordance with the Downtown Hamilton B.I.A.'s constitution.

ANALYSIS OF ALTERNATIVES:

Not applicable.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial – Not applicable.

Staffing – There are no staffing implications.

Legal – The Municipal Act, Section 220 governs B.I.A.s. Section (6) stipulates "A Board of Management established under subsection (1) is a body corporate and shall consist of such number of members appointed by council as the council considers advisable, at least one of whom shall be a member of the council and the remaining members shall be individuals who are persons who are entitled to notice under subsection (2) or clause (2.1) (a) or who are nominated by such persons".

POLICIES AFFECTING PROPOSAL:

Not applicable.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Not applicable.

CITY STRATEGIC COMMITMENT:

The initiatives of B.I.A.s' help create an attractive business district that extends to the local residents through the creation of a safer, cleaner and more aesthetically attractive district with positive results on the quality of life of its residents. Healthy business districts support neighbourhoods and healthy neighbourhoods support business districts. Economic health and healthy communities are important strategic objectives of the City.

R.M.M.

c.c. Kathy Drewitt, Executive Director, Downtown Hamilton B.I.A.

AFFECTS
WARD 5

4.5

CITY OF HAMILTON

PLANNING AND DEVELOPMENT DEPARTMENT
Long Range Planning and Design Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date:	January 16, 2003	**Prepared by:**	Stephanie Barber
File:	HP2002-028		(905) 643-1262 Ext. 220

SUBJECT: **Heritage Permit Application (HP2002-028) under Part V of the Ontario Heritage Act to Permit the Construction of a Detached Residence at 990 Beach Boulevard within the Hamilton Beach Heritage Conservation District, in the City of Hamilton (PD03022) (Ward 5)**

RECOMMENDATION:

That Heritage Permit (HP2002-028) be approved for the construction of a detached residence at 990 Beach Boulevard, Hamilton, according to the drawings attached as Appendix B to Report PD03022 accompanying the permit application.

Lee Ann Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

990 Beach Boulevard is currently a vacant lot located within the Hamilton Beach Heritage Conservation District (HCD) designated under Part V of the Ontario Heritage Act and a heritage permit is required for the construction of any building or structure. The applicant proposes the construction of a detached residence. The subject application satisfies the intent of the applicable HCD guidelines adopted by the Council of the former City of Hamilton.

BACKGROUND:

The Hamilton Beach Heritage Conservation District (HCD) was designated by the former City of Hamilton and approved by the Ontario Municipal Board in 2001 under section 41 of the Ontario Heritage Act. Under Section 42 of the Ontario Heritage Act a permit is required for the erection of any building or structure or for altering the external portions of any building or structure. Only the council of the municipality may issue such permits.

The subject property at 990 Beach Boulevard (See location map Appendix A) is a vacant lot and one of several City lots that was sold in the latter half of 2001. This subject application has been considered in the context of the HCD guidelines and current heritage conservation planning practice. The guidelines prepared for the Hamilton Beach HCD, and approved by the former City of Hamilton, provide advice on appropriate, compatible, new construction that has regard for height, width, setback, proportion and massing, roofs, materials, entrances, garages and ancillary structures

The proposed detached dwelling is a one storey structure with a double front gable. The exterior walls of the house are to be vertical board and batten siding with trim. The roof is to be self-sealing asphalt shingles. Doors and windows are to be executed in synthetic materials. The windows are to be free of decorative synthetic muntins. The proposed materials and the location of the proposed dwelling are considered to be acceptable as they satisfy the intent of the district guidelines. The Heritage Permit Review Subcommittee (HPRS) of LACAC has reviewed this application and has no objections to the proposed residence.

ANALYSIS OF ALTERNATIVES:

The applicant has consulted with staff regarding the overall design and details of construction materials of the proposed dwelling. A number of alternatives in materials have been informally considered and discussed during pre-consultation prior to formal submission of the permit application. Acceptable changes to staff, HPRS and the applicant have included changes in materials and the exclusion of decorative muntins in windows.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial – not applicable

Staffing – not applicable

Legal – This heritage permit application has been processed and considered within the context of the applicable legislation.

POLICIES AFFECTING PROPOSAL:

Subsection C.6-Heritage Resources of the former City of Hamilton's Official Plan provides for the management of the wealth of local heritage resources. The policies also provide for the designation of heritage conservation districts under Part V of the Ontario Heritage Act and for the preparation of criteria to regulate design. Alterations, additions and new construction within the Hamilton Beach HCD are guided by the Hamilton Beach Heritage Conservation District Guidelines. The subject permit application is considered to be in keeping with these guidelines.

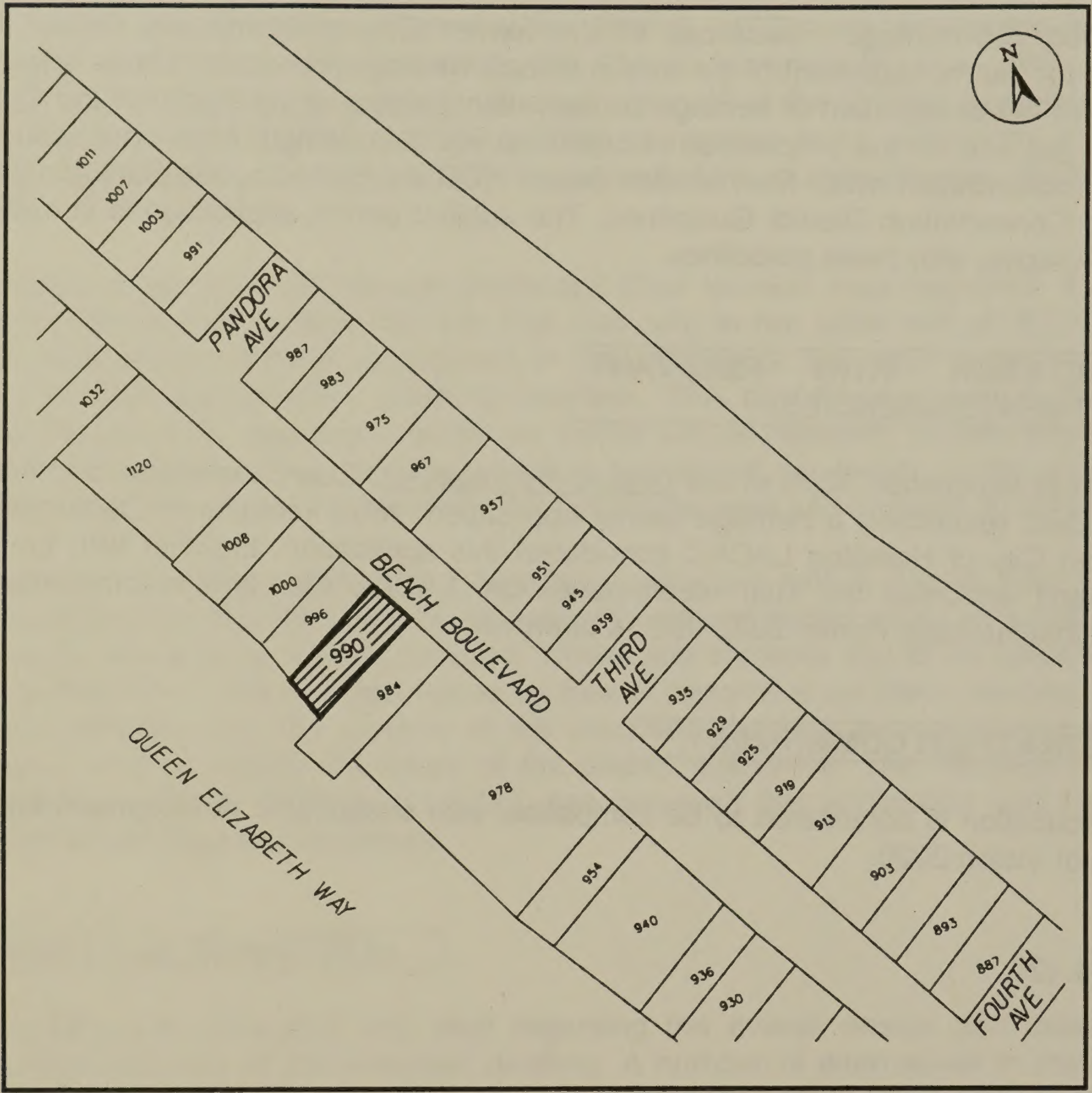
CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Pursuant to subsection 33(4) of the Ontario Heritage Act, Council is required to consult with LACAC respecting a heritage permit application. At its meeting of December 19, 2002, the City of Hamilton LACAC considered this application, together with the staff report, and endorsed the staff recommendation. LACAC therefore recommended to Council that Heritage Permit 2002-028 be approved.

CITY STRATEGIC COMMITMENT:

The application is considered to be compatible with sustainable development and the values of Vision 2020.

:SB
Attachs. (2)


N
1011
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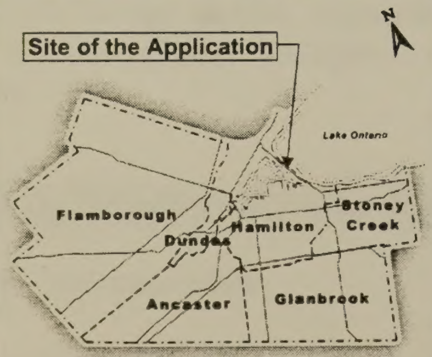
929
925
919
913
903
893
887
FOURTH AVE
1032
1120
1008
1000
996
990
984
978
954
940
936
930
BEACH BOULEVARD
QUEEN ELIZABETH WAY


Site of the Application
N
Lake Ontario
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook

City of Hamilton

PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

▨ **Subject Property**
990 Beach Boulevard

Hamilton

Filename/number
990 Beach Blvd.

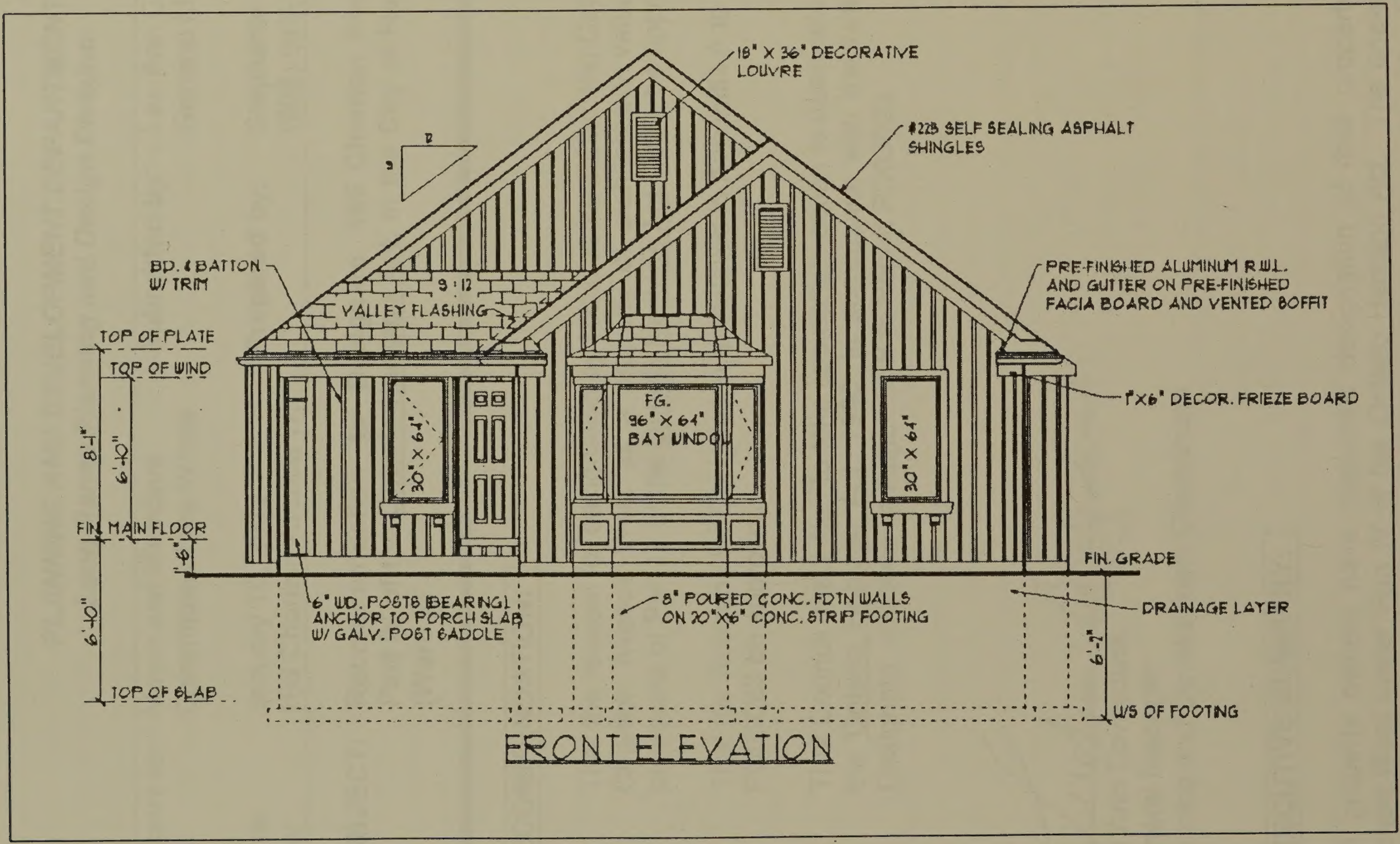
Date
December 5, 2002

Technician:
LC

Map Not to Scale

Appendix "A"

Appendix B to Report PD03022
Page 1 of 1


18" X 36" DECORATIVE LOUVRE
#225 SELF SEALING ASPHALT SHINGLES
BD. & BATTON W/ TRIM
9 : 12
VALLEY FLASHING
PRE-FINISHED ALUMINUM R.W.L. AND GUITER ON PRE-FINISHED FACIA BOARD AND VENTED SOFFIT
TOP OF PLATE
TOP OF WIND
8'-1"
6'-10"
1"X6" DECOR. FRIEZE BOARD
30" X 64"
FG. 96" X 64" BAY WINDOW
30" X 64"
FIN. MAIN FLOOR
6"
FIN. GRADE
6" WD. POSTS (BEARING) ANCHOR TO PORCH SLAB W/ GALV. POST SADDLE
8" POURED CONC. FDTN WALLS ON 20"X6" CONC. STRIP FOOTING
DRAINAGE LAYER
6'-10"
6'-2"
TOP OF SLAB
U/S OF FOOTING
FRONT ELEVATION

Proposed Residence

AFFECTS
WARD 2

CITY OF HAMILTON

4.6

PLANNING AND DEVELOPMENT DEPARTMENT
Long Range Planning and Design Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date:	January 16, 2003	**Prepared by:**	Stephanie Barber
File:	166 Charlton Avenue W.		(905) 643-1262 Ext. 220

SUBJECT: Recommendation to Designate 166 Charlton Avenue West under Part IV of the Ontario Heritage Act, in the City of Hamilton (PD03023) (Ward 2)

RECOMMENDATION:

a) That the request for designation by Nicholas Kevlahan and Catherine Cox of 166 Charlton Avenue West as a property of architectural value pursuant to the provisions of Part IV of the Ontario Heritage Act, 1990, be approved.

b) That the Reasons for Designation as detailed in Appendix A to Report PD03023 be approved.

c) That Council direct staff to take appropriate action to designate under Part IV of the Ontario Heritage Act, 1990, in accordance with the Notice of Intention to Designate, attached as Appendix B to Report PD03023.

LeeAnn Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

The property owners have requested designation of their property at 166 Charlton Avenue West under Part IV of the Ontario Heritage Act. The one-and-one-half storey structure is considered to be of heritage value, notably for its vernacular Regency/Second Empire architecture, and its historical associations with its builder and owner Judge Alexander Logie (1823-1853). The house is also a rare surviving example of Pre-Confederation stone construction.

BACKGROUND:

In February 2002, Nicholas Kevlahan and Catherine Cox, property owners, made a request to have their property at 166 Charlton Avenue West designated under the Ontario Heritage Act (see Location Map Appendix C). LACAC was advised of this request at its meeting on March 21, 2002 (copy of letter attached as Appendix D). The Committee supported the request in principle and directed staff to undertake a heritage assessment of the property.

Heritage attributes:

Physical context

166 Charlton Street West was built in 1856 and is situated on a street with predominantly later nineteenth century two storey brick dwellings. The subject property contains a one-and-one-half storey stone residence and an unusually large (20x50m) garden. This residence's date of construction, size, style and building material suggests that this house may have been one of the first dwellings on Charlton Avenue West, between Queen and Caroline Street South.

Historical context of the area

While the Hamilton townsite struggled to develop as an administrative centre during the first quarter of the nineteenth century, the 1840s and 1850s were prosperous decades for Hamilton. The wheat boom boosted port activity and immigration swelled the labouring and farming ranks. Interest in public works was revived and the development of a rail transportation link came to the fore. Population growth below the Niagara Escarpment exploded during this period, from 3,400 in 1841 to 9,000 by 1848 and to 25,000 by 1857. William Smith, in his *Canadian Gazetteer,* noted that prosperous Hamilton merchants had begun to build almost exclusively in stone taking advantage of the excellent freestone and limestone procured from the Niagara Escarpment.

Impressive stone structures sprang up everywhere in Hamilton during the 1840s, 50s and 60s. Surviving buildings include: Whitehern (1848); Central Public School (1853); St. Paul's Presbyterian Church (1857); Sandyford Place (*circa* 1858); and the Customs House (1860). The escarpment slopes also attracted new residential development and included Rock Castle (1848); Bellevue (1848-50); and Inglewood (*circa* 1855).

Historical development, use and occupation of 166 Charlton Street West

166 Charlton Street West, located between Queen Street and Caroline Street South, was constructed for Judge Alexander Logie. The architect is unknown, but a notice in the *Hamilton Spectator* dated October 1, 1858, listed Alexander Logie as a client of prominent local architect Frederick James Rastrick. This suggests that the subject house may have been designed by Rastrick.

Frederick James Rastrick

F.J. Rastrick was born in 1820 in West Bromwich, Staffordshire, England. He migrated to Canada in 1852, staying in Brantford one year before settling in Hamilton. His move to Hamilton gave Rastrick the status of being one of the first resident architects in the city. In 1854, Rastrick was appointed engineer for the County of Wentworth, a position which he held for three years. Rastrick was made inspecting architect for the Hamilton, London and Orangeville post offices by the dominion government. His other achievements include serving as president of the St. George's Benevolent Society and as president of the Hamilton and Gore Mechanics' Institute. He held both positions in 1862. He was also involved in establishing the Public Library and Art School.

During his career in Hamilton, Rastrick designed several prominent landmark buildings including the Young, Law and Company warehouse (1854) and the Customs House (1858). In 1854, Rastrick was hired by Sir Allan MacNab to supervise the addition of a portico to Dundurn Castle. Between 1850 and 1860, Rastrick also designed various Gothic Revival residences including *Amisfield* (*The Castle*) for Colin Reid, Esquire, at James and Duke Streets.

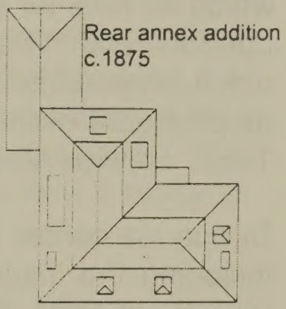
Judge Alexander Logie
Alexander Logie was born in Rosefield, Nairnshire, Scotland in 1823. It is not known when he arrived in Canada, but he died in Hamilton in 1873. Logie was very active in his church, St. Paul's Presbyterian, and in the local justice system. He was a Sunday School teacher, elder and trustee in his church, and served on City Council from 1857-60. From 1854 until his death in 1873, Logie served as Judge with the Wentworth County Court. In addition to his other activities, Logie was a major landholder and landlord in the City of Hamilton. Logie's son, W.A. Logie served as Justice of the Supreme Court of Ontario and rented the house at 166 Charlton Avenue West to several professional people including J.H. Sangster.

John Herbert (J.H.) Sangster
J.H. Sangster was born in London, England in 1831 and emigrated to Canada with his family in 1836. He was educated at Upper Canada College, Victoria College in Cobourg and later at the Provincial Model School in 1848. He oversaw the founding of Central Public School, and was the school's first principal from its opening in 1853 until 1858. After he left Hamilton, Sangster served as headmaster of the Provincial grammar school from 1865 until 1871. During his time there, Sangster wrote textbooks in mathematics, physics and chemistry. He also received his Masters from Victoria College in 1861. Logie rented the house to Sangster from 1857 to 1858.

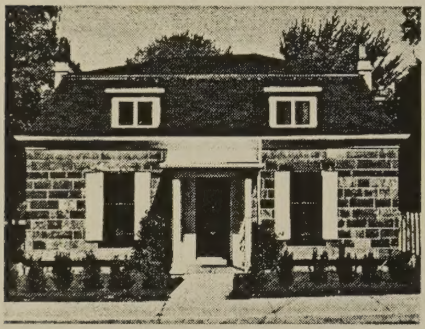
Building changes and alterations
166 Charlton was built in 1856, designed in a vernacular interpretation of the Regency style of architecture. When it was first constructed, it was one-and-one-half stories tall and had a hipped roof with overhanging eaves. During the late nineteenth century, a mansard roof and dormers were added to accommodate a full second storey. A rear "tail" board and batten addition was also constructed in 1875. The front porch is not original and was likely added during the late nineteenth century. The original appearance of the subject house may be recalled at 166 Robinson Street.

Architecture

This 1856 stone residence was designed to a vernacular interpretation of the Regency style and originally built to an L-plan. "Vernacular" refers to a building, which has been constructed by local builders using local materials. The Regency style was influenced by the English taste for the picturesque in painting and gardens and by architectural forms in British colonies. Characteristic features of the Regency style include: symmetrical façades; one or one-and-one-half stories; hipped or gable roofs with broad eaves; Classically based windows and entrances, and French doors. Because it is of a vernacular form of the style, 166 Charlton Avenue West possessed some, but not all of the typical features. It retains some of these features including a symmetrical façade and French doors that open out to the rear yard. The builder of 166 Charlton may have favoured some features of the Regency style such as a hipped roof, but perhaps preferred a more simple window design than those with a Classical influence. The exterior is local limestone with a tooled stone beltcourse along the top of the foundation on three sides of the house.

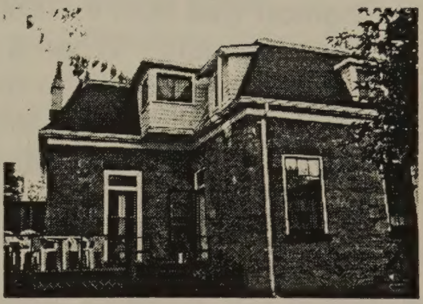


South (Front) Façade

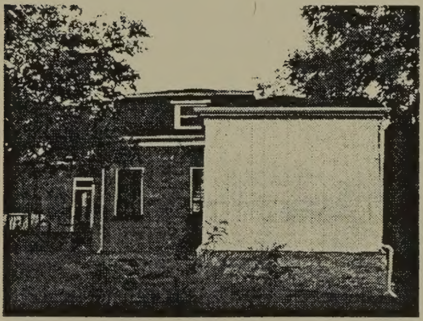


The front façade of the house is symmetrical with 3 bays and is built with grey rock-faced limestone blocks. This elevation also consists of a secondary entrance set back at the northwest corner of the main house. On the front façade of the main house, there is a central entrance consisting of the original panelled wood door and a tri-light transom above. The door reveals are also panelled. The entrance is sheltered by a small portico with a flat roof supported by square posts. On either side of the entrance are rectangular 1/1 sash lights with 12-pane storm windows, wooden shutters and tooled stone sills. The front roof elevation contains two hipped roof dormers with two small double pane windows each. Decorative wood shingles clad the sides of the dormers. The secondary entrance is contained within a rear frame addition with a wood door and two-pane transom. The lean-to frame addition features wood vergeboard on the half-gable.

East (Side) Elevation



The east elevation consists of the main house, the original ell and a one storey wood frame addition. The elevation of the main house is built of cream-coloured limestone rubble. The raised mortar joints have been patterned to create the appearance of stone blocks. The mansard roof contains one hipped dormer with a single pane of glass. An interior stone chimney is also located here. The ell portion features one entrance containing the original wood panelled door and hardware. The door has 2 rectangular lights and a tri-light transom above. The exterior is of limestone rubble with flush mortar joints, made to resemble squared masonry units. The corner of the front and rear sections of the house is finished with a small, second-storey sunroom. The east elevation of the addition is board and batten with two rectangular 2/2 windows.

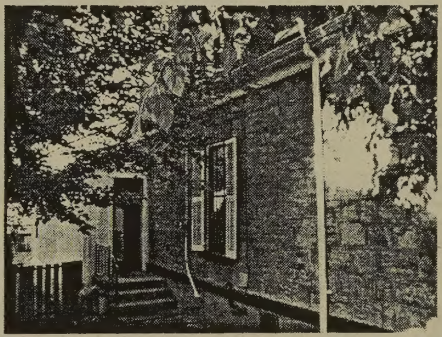


North (Rear) Elevation

The north (rear) elevation comprises the rear of the main house, the stone ell and a one storey frame addition. This side of the main house has an entrance with wooden French doors with a single-light in each leaf and a single light transom above. The rear of the ell is limestone rubble with the same block pattern using mortar joints as the east and west elevations. There are two main floor windows with 6/6 double hung sashes. There is a shed roof dormer on the second floor with a 1/1 sash window. The rear of the frame addition has no window or door openings.

West (Side) Elevation

This elevation comprises the main house and a one storey frame addition. The main house is built of cream-coloured limestone rubble made to resemble blocks with raised mortar joints. The mansard roof contains a hipped dormer clad with wood shingles containing four small 1/1 pane sashes. There is an interior stone chimney and a centred 6/6 sash window with wooden shutters on the main floor. This elevation of the frame addition is board and batten with one 2/2 sash window at the northwest corner.



Interior

Interior features include a marble fireplace and French doors in the double living room, tiled fireplace in the morning room and the original staircase. A window pane in the dining room has the name *Mary Sangster* scratched into the glass. There are also original wood doors and hardware throughout the house. The front door is original with brass hardware.

Architectural Value

166 Charlton Avenue West is of architectural value, as an example of a vernacular interpretation of the Regency architectural style, that was modified during the later nineteenth century to include Second Empire features, notably a mansard roof. The Logie House is also a rare surviving example of Pre-Confederation stone construction.

ANALYSIS OF ALTERNATIVES:

Not applicable

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial – not applicable

Staffing – not applicable

Legal – The designation process will follow the requirements of the Ontario Heritage Act and provide for adequate notice of Council's intention to designate the property to the owner and the Ontario Heritage Foundation. Formal objections may be made under the Ontario Heritage Act and heard before the Conservation Review Board and prior to Council approving the designating by-law.

POLICIES AFFECTING PROPOSAL:

Official Plan policies of the former City of Hamilton support the conservation, protection and management of cultural heritage features. Designation of 166 Charlton Avenue West will be in accordance with these policies.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Pursuant to Subsection 29 (2) of the Ontario Heritage Act Council is required to consult with LACAC respecting designation of property under Subsection (1). At its meeting of December 19, 2002, the City of Hamilton LACAC considered this request for designation together with the staff report. LACAC recommended that Council designate the subject property and that staff be directed to take appropriate action in this regard.

CITY STRATEGIC COMMITMENT:

The designation of 166 Charlton Street West will help to protect and enhance a valuable heritage resource and will therefore contribute to the Vision 2020 goal of preserving Hamilton's built and natural heritage.

:SB
Attacs. (5)

166 Charlton Avenue West
City of Hamilton

REASONS FOR DESIGNATION

Architectural Value

This 1856 stone residence was designed to a vernacular interpretation of the Regency style and originally built to an L-plan. "Vernacular" refers to a building has been constructed by local builders using local materials. The Regency style was influenced by the English taste for the picturesque in painting and gardens and by architectural forms in British colonies. Characteristic features of the Regency style include: symmetrical façades; one or one-and-half stories; hipped or gable roofs with broad eaves; Classically based windows and entrances, and French doors. Because it is of a vernacular form of the style, 166 Charlton Avenue West possessed some, but not all of the typical features. It retains some of these features including a symmetrical façade and French doors that open out to the rear yard. The builder of 166 Charlton may have favoured some features of the Regency style such as a hipped roof, but perhaps preferred a more simple window design than those with a Classical influence. The exterior is local limestone with a tooled stone beltcourse along the top of the foundation on three sides of the house.

The Reasons for Designation apply to all elevations and the roof including all façades, entranceways, porches, windows and chimneys, together with construction materials of stone, wood and glazing, building techniques, and interior features as follows:

South (Front) Façade

The front façade of the house is symmetrical with 3 bays and is built with grey rock-faced limestone blocks. This elevation also consists of a secondary entrance set back at the northwest corner of the main house. On the front façade of the main house, there is a central entrance consisting of the original panelled wood door and a tri-light transom above. The door reveals are also panelled. The entrance is sheltered by a small portico with a flat roof supported by square posts. On either side of the entrance are rectangular 1/1 sash lights with 12-pane storm windows, wooden shutters and tooled stone sills. The front roof elevation contains two hipped roof dormers with two small double pane windows each. Decorative wood shingles clad the sides of the dormers. The secondary entrance is contained within a rear frame addition with a wood door and two-pane transom. The lean-to frame addition features wood vergeboard on the half-gable.

East (Side) Elevation
The east elevation consists of the main house, the original ell and a one storey wood frame addition. The elevation of the main house is built of cream-coloured limestone rubble. The raised mortar joints have been patterned to create the appearance of stone blocks. The mansard roof contains one hipped dormer with a single pane of glass. An interior stone chimney is also located here. The ell portion features one entrance containing the original wood panelled door and hardware. The door has 2 rectangular lights and a tri-light transom above. The exterior is of limestone rubble with flush mortar joints, made to resemble squared masonry units. The corner of the front and rear sections of the house is finished with a small, second-storey sunroom. The east elevation of the addition is board and batten with two rectangular 2/2 windows.

North (Rear) Elevation
The north (rear) elevation comprises the rear of the main house, the stone ell and a one storey frame addition. This side of the main house has an entrance with wooden French doors with a single-light in each leaf and a single light transom above. The rear of the ell is limestone rubble with the same block pattern using mortar joints as the east and west elevations. There are two main floor windows with 6/6 double hung sashes. There is a shed roof dormer on the second floor with a 1/1 sash window. The rear of the frame addition has no window or door openings.

West (Side) Elevation
This elevation comprises the main house and a one storey frame addition. The main house is built of cream-coloured limestone rubble made to resemble blocks with raised mortar joints. The mansard roof contains a hipped dormer clad with wood shingles containing four small 1/1 pane sashes. There is an interior stone chimney and a centred 6/6 sash window with wooden shutters on the main floor. This elevation of the frame addition is board and batten with one 2/2 sash window at the northwest corner.

Interior
Interior features include a marble fireplace and French doors in the double living room, tiled fireplace in the morning room and the original staircase. A window pane in the dining room has the name *Mary Sangster* scratched into the glass. There are also original wood doors and hardware throughout the house. The front door is original with brass hardware.

CITY OF HAMILTON

NOTICE OF INTENTION TO DESIGNATE

166 Charlton Avenue West, City of Hamilton

IN THE MATTER OF THE ONTARIO HERITAGE ACT and the property in the City of Hamilton known municipally as 166 Charlton Avenue West.

NOTICE IS HEREBY GIVEN that the City of Hamilton intends to designate this property as being a property of architectural value. 166 Charlton Avenue West is of architectural value as an example of a vernacular interpretation of the Regency architectural style that was modified during the later nineteenth century to include Second Empire features, notably a mansard roof. The house is also a rare surviving example of pre-Confederation stone construction.

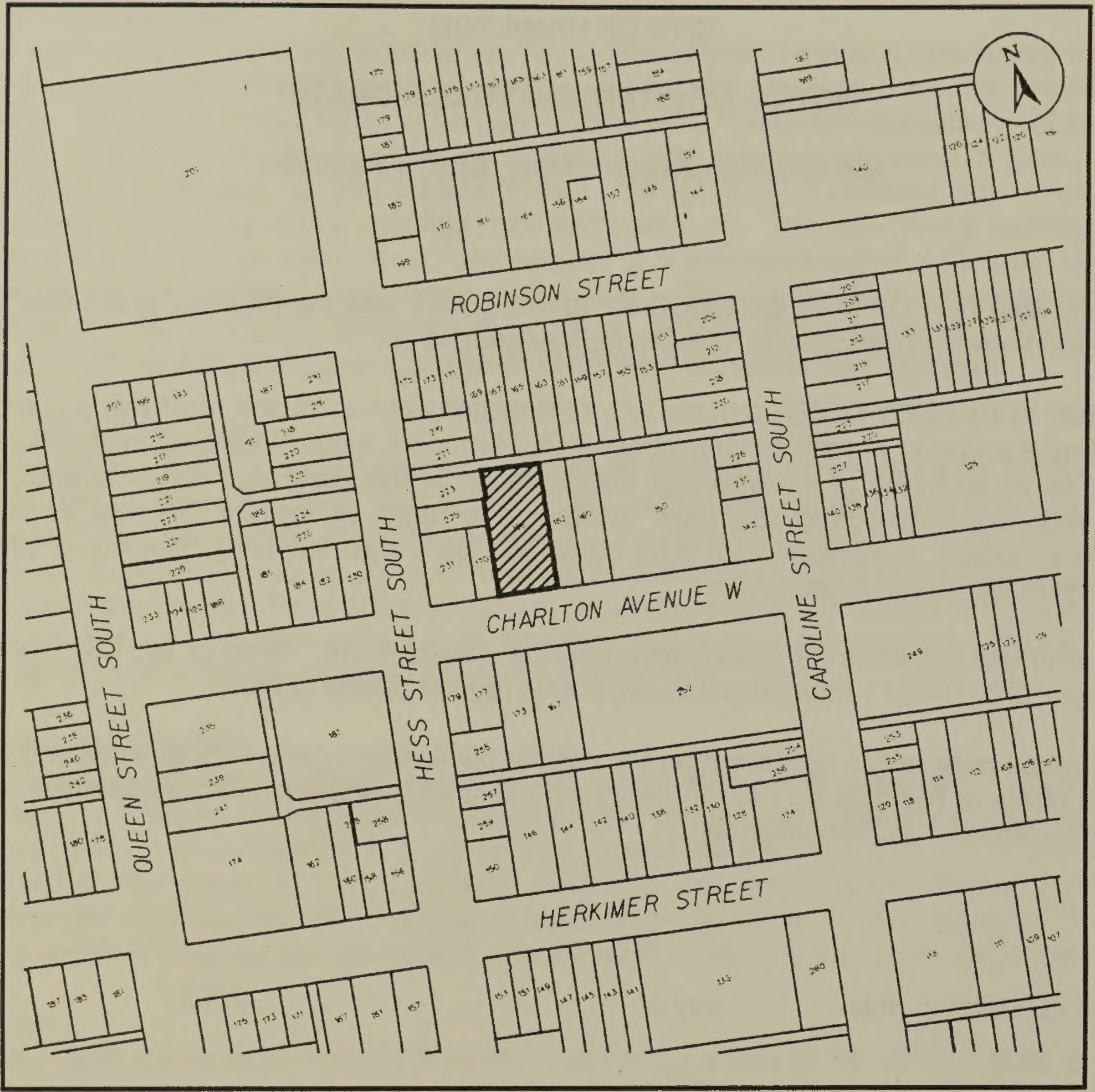
The complete Reasons for Designation may be viewed in the Office of the City Clerk, 2nd Floor, City Hall, 71 Main Street West, during regular business hours.

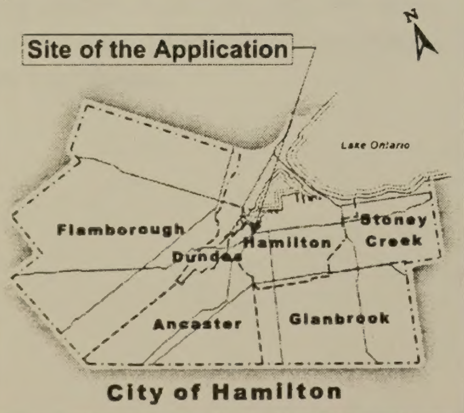
Any person may, within 30 days after the date of publication of this Notice, serve written notice of his or her objection to the proposed designation together with a statement for the objection and all relevant facts.

Dated at Hamilton, this day of , 2002.

K. Christenson
City Clerk
Hamilton, Ontario

Appendix C to Report PD03023
Page 1 of 1


N
ROBINSON STREET
CHARLTON AVENUE W
HERKIMER STREET
QUEEN STREET SOUTH
HESS STREET SOUTH
CAROLINE STREET SOUTH


Site of the Application
N
Lake Ontario
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook
City of Hamilton

PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Hamilton

▨ **Subject Property**
166 Charlton Avenue West

Filename/number	*166 Charlton Ave. W*
Date	*November 05, 2002*
Technician:	*NM*

Map Not to Scale

Appendix "C"

NICHOLAS KEVLAHAN & CATHERINE COX
166 CHARLTON AVE W
HAMILTON, ON L8P 2C7
TEL: (905) 522 6544

22 February 2002

David Cuming
Senior Heritage Planner
City of Hamilton
71 Main Street West
Hamilton City Hall, 5th Floor
Hamilton, ON L8P 4Y5

Dear Mr Cuming

We would like to ask you to consider our house at 166 Charlton Avenue West for designation under the *Ontario Heritage Act* due to its special architectural and historic interest. The reasons for this designation are outlined below.

Architectural Merit
The house was constructed of local limestone in 1856 in a simple Regency style. The street (South-facing) façade is of coursed ashlar (in grey limestone), while the other sides are of uncoursed rubble work (in cream-coloured limestone). There is also a wooden Victorian annex at the back of the house with board-and-batten walls on three sides, and narrow clapboard on the East side. The second story is in a mansard roof with dormer windows. The ground floor windows and storms are original (with many original panes). The South side has two typical Victorian plate glass sash windows, and the West and North sides have six-over-six Georgian style divided windows. All storm windows are twelve-pane. The interior has retained the usual centre hall plan, with an elegant marble fireplace in the double living room, and a tiled fireplace in the morning room. The house is set in an unusually large garden (20m x 50m), which is one of the notable features of the property. It is one of only a few stone houses in the Durand neighbourhood, and is an excellent example of early stone domestic architecture in Hamilton. Please see attached photos and drawing.

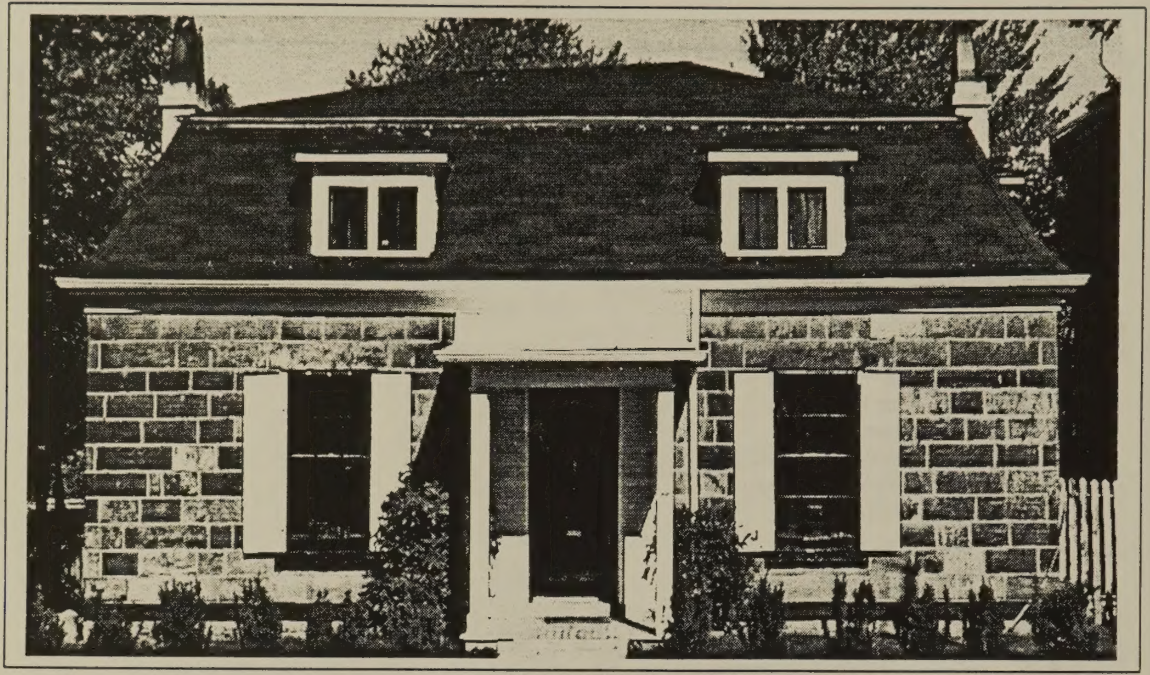
Historic Merit
166 Charlton Avenue West was built for the Scottish judge Alexander Logie in 1856. Logie presided at the Wentworth County Court from 1854 until his death in 1873. He was also the father of Justice W.A. Logie of the Ontario supreme court, who was a former partner of T.B. McQuesten (*Hamilton Spectator, June 29 1927*). Logie rented out the house and one notable resident was J.H. Sangster, the first principal of Central Public School, who lived there from 1857 to 1858. One of the window panes in the dining room has the name Mary Sangster scratched into the glass!

We feel strongly that 166 Charlton Avenue West deserves the recognition and protection afforded by designation under the Ontario Heritage Act. Please do not hesitate to contact us if you have any questions, or would like further information regarding the house.

Yours sincerely,

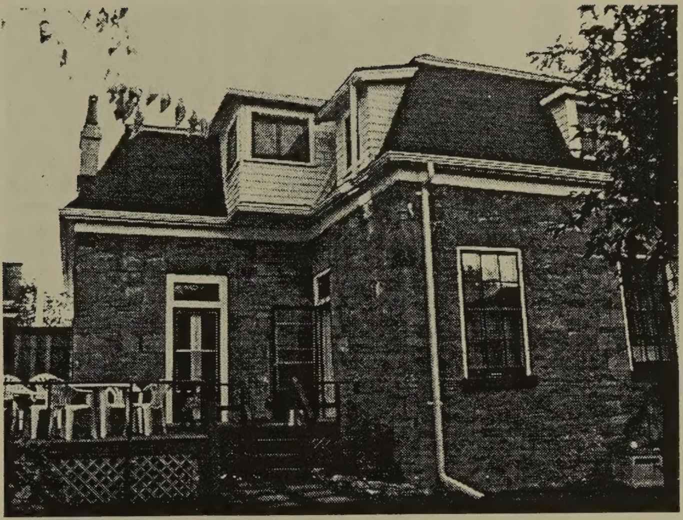
Nicholas Kevlahan

Catherine Cox

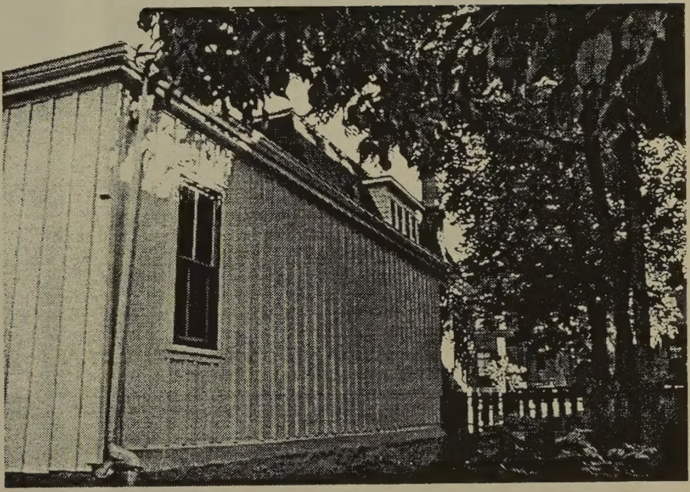


Front (South) Façade

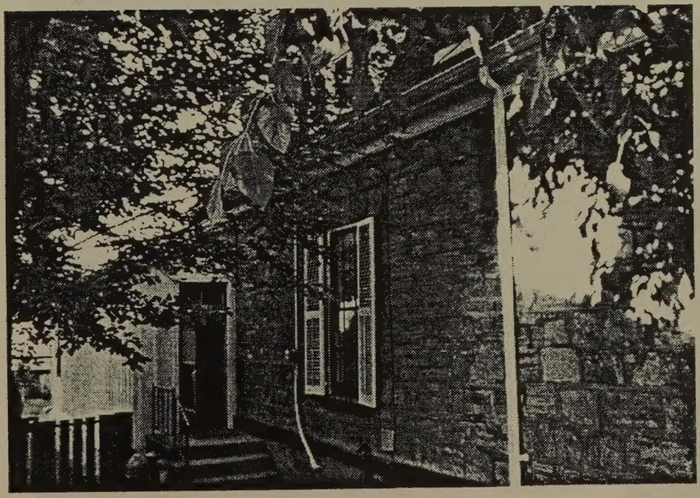
Rear (north) Elevation & Yard



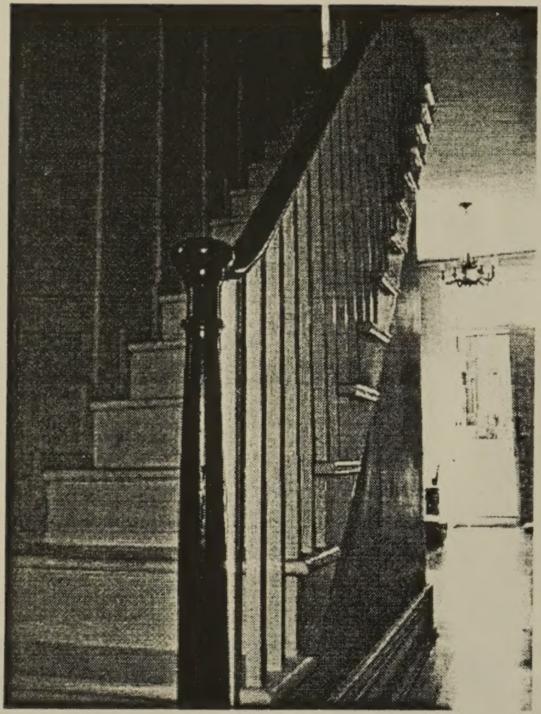
East (Side) and North (Rear) Elevations



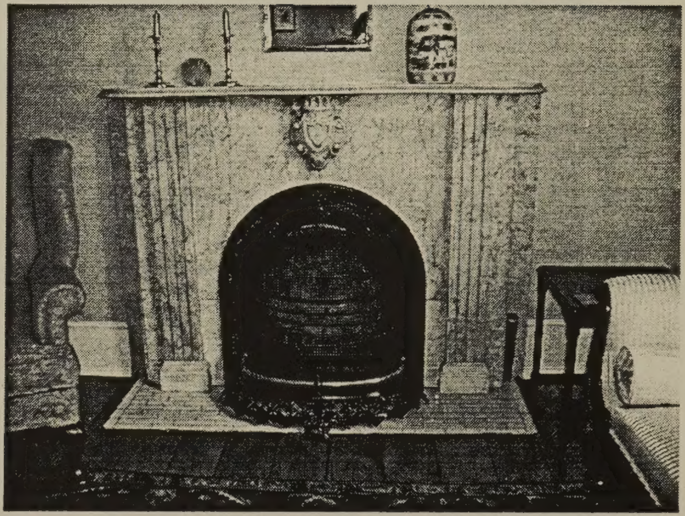
West (Side) Elevation



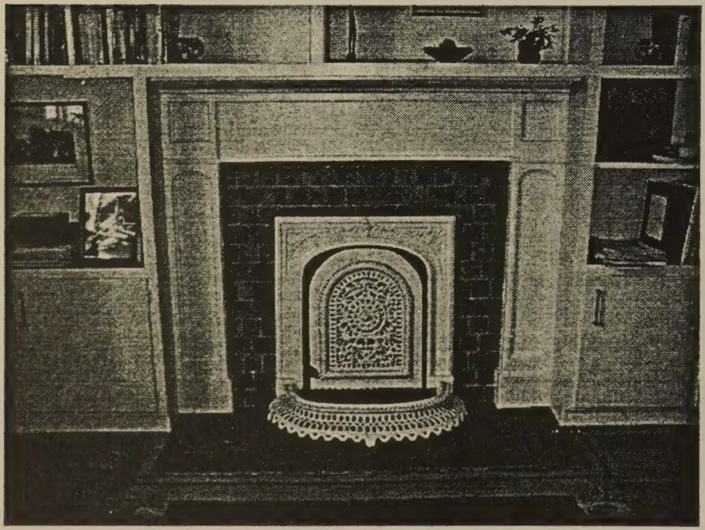
West (Side) Elevation



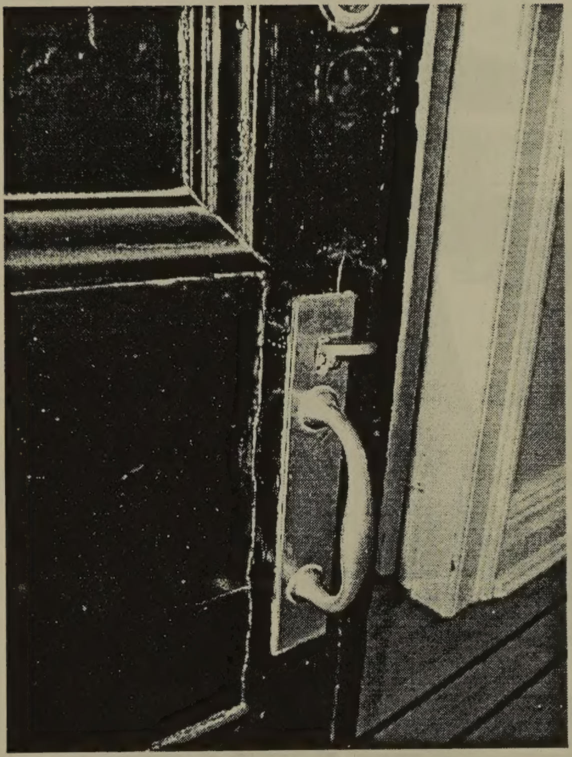
Staircase



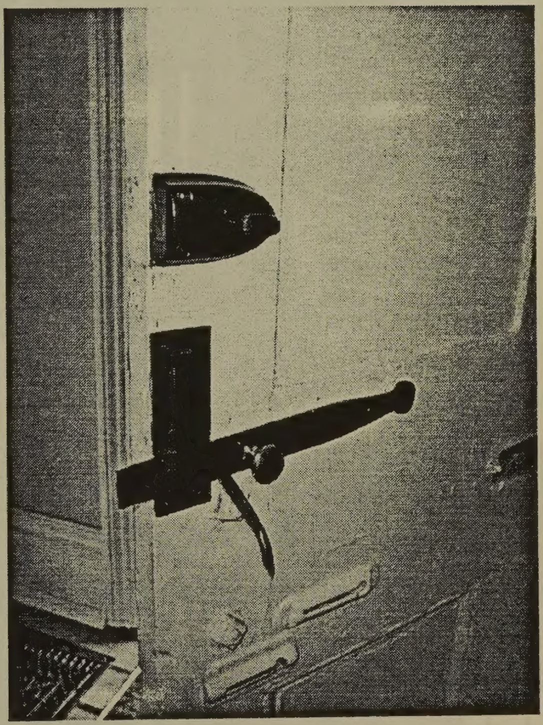
Fireplace in Double Living Room



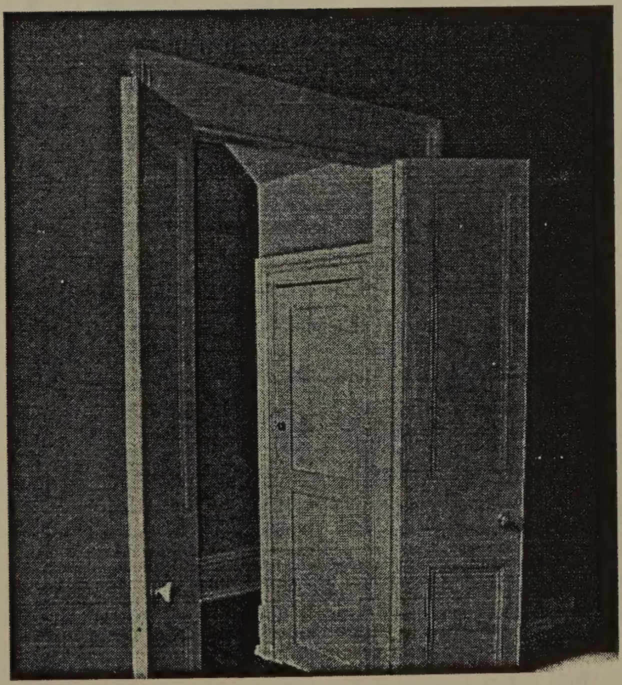
Fireplace in Morning Room



Front Door Hardware-Exterior

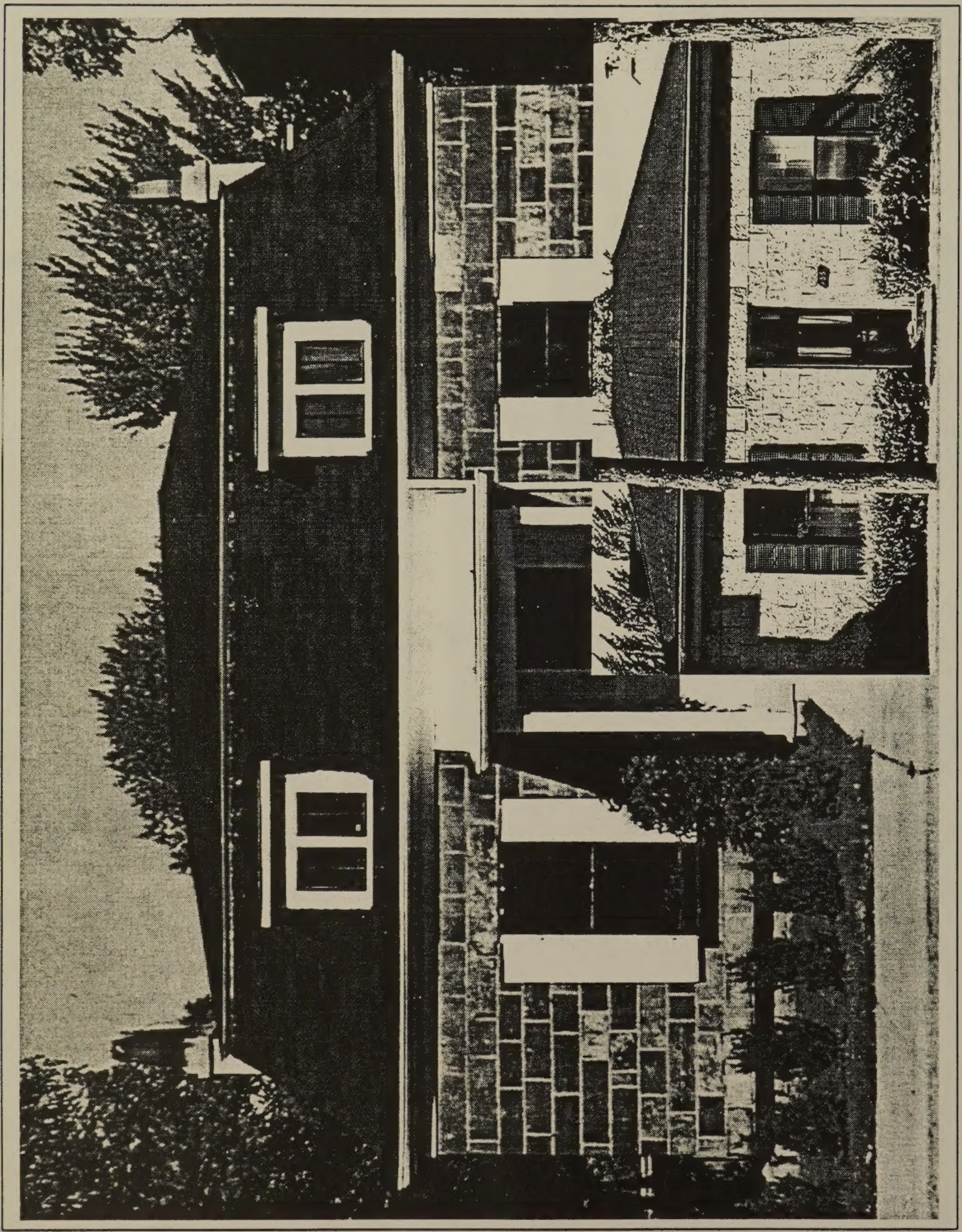


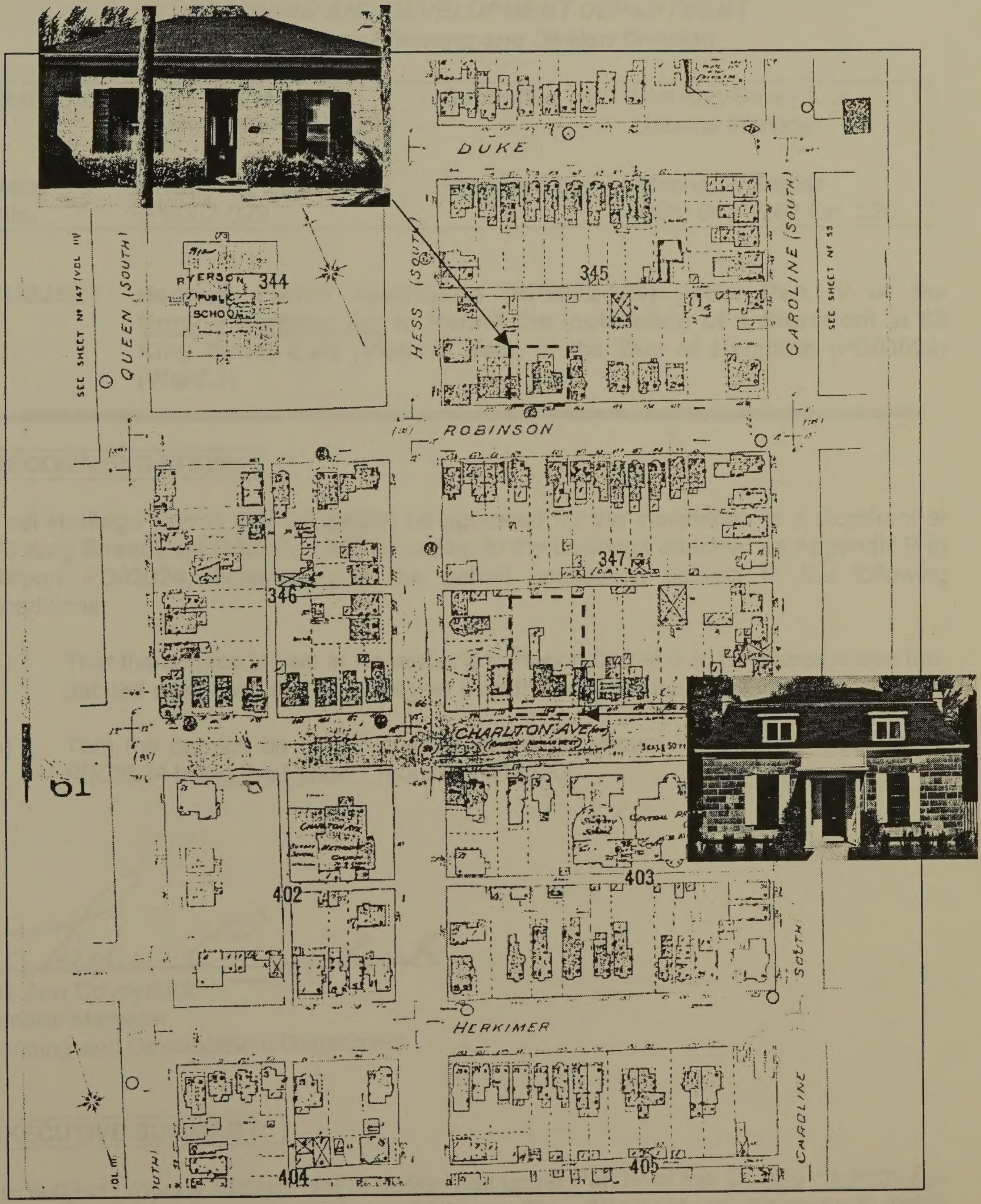
Front Door Hardware-Interior



Double Doors from Hall to Living Room

166 Charlton Avenue W. (166 Robinson Street, inset)




DUKE
ROBINSON
CHARLTON AVE
HERKIMER
HESS (SOUTH)
QUEEN (SOUTH)
CAROLINE (SOUTH)
CAROLINE
SOUTH
SEE SHEET No 147 VOL III
SEE SHEET No 53
RYERSON PUBLIC SCHOOL
344
345
346
347
402
403
404
405
61

Hamilton Fire Insurance Atlas - 1898

AFFECTS WARD 2

CITY OF HAMILTON

4.7

PLANNING AND DEVELOPMENT DEPARTMENT
Long Range Planning and Design Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date:	January 16, 2003	**Prepared by:**	Stephanie Barber
File:	HP2002-029		(905) 643-1262 Ext. 220

SUBJECT: **Heritage Permit Application (HP2002-029) under Part IV of the Ontario Heritage Act to Permit the Installation of a Storefront at 68 King Street East (*Victoria Hall*), in the City of Hamilton (PD03024) (Ward 2)**

RECOMMENDATION:

That Heritage Permit (HP-2002-029) be approved for the installation of a storefront at 68 King Street East (*Victoria Hall*) according to the drawings attached as Appendix B to Report PD03024, accompanying the permit application subject to the following conditions:

a) That the cornice shown in Appendix B to Report 03024 is to be placed above the painted signboard and be no higher than the square mouldings.

b) That the cornice be constructed as per detail shown in Appendix C to Report PD03024 using the Fypon™ moulding #123000.

LeeAnn Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

The subject property *Victoria Hall* is designated under Part IV of the Ontario Heritage Act and has been recognized as a National Historic Site. The applicant proposes to install storefront using elements of the original design and in a manner compatible with the façade of the upper floors.

BACKGROUND:

The subject property *Victoria Hall* was designated by the former City of Hamilton in November 1984, and declared a National Historic Site in 1994 by the Historic Sites and Monuments Board. Under Section 33 of the Ontario Heritage Act, a permit is required for alterations to any designated building or structure. Only the council of the municipality may issue such permits. The subject property at 68 King Street East (*Victoria Hall*) is located on the north side of King Street East between Hughson and John Streets (see Location Map Appendix A). This subject application has been considered in the context of current heritage conservation planning practice.

The proposed new storefront will retain an existing entrance at the west corner and include the installation of three new wood frame windows with transoms and curved top corners to reflect the window design of the upper floor façade. Prefinished wood panels are to be placed below the windows. A new set of double doors with a transom will be located where *Victoria Hall* and the neighbouring building (*The MacKay Building*) are attached providing an entrance into a central corridor. All new doors are to be of wood containing tempered glass sections. A new Fypon™ cornice will be located above the new storefront unit and will contain recessed lighting that will illuminate a painted fascia signboard below. Any pressed metal features that remain under the existing hoarding will be retained and restored. Otherwise, new prefinished vertical aluminium panels will be placed at each end of the storefront and between the entrances and windows, matching the pressed metal detailing on the upper floor façade.

ANALYSIS OF ALTERNATIVES:

The applicant has consulted with staff and the Heritage Permit Review Sub-Committee of LACAC (HPRS) regarding the overall design and details of construction materials of the proposed storefront. A number of alternatives in materials have been considered and discussed and acceptable changes to staff, HPRS and the applicant have included the addition of a cornice with recessed lighting.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial – not applicable

Staffing – not applicable

Legal – This heritage permit application has been processed and considered within the context of the applicable legislation.

POLICIES AFFECTING PROPOSAL:

Official Plan policies of the former City of Hamilton and the Downtown Hamilton Secondary Plan support the conservation, protection and management of cultural heritage features. Approval of this heritage permit would not conflict with these policies.

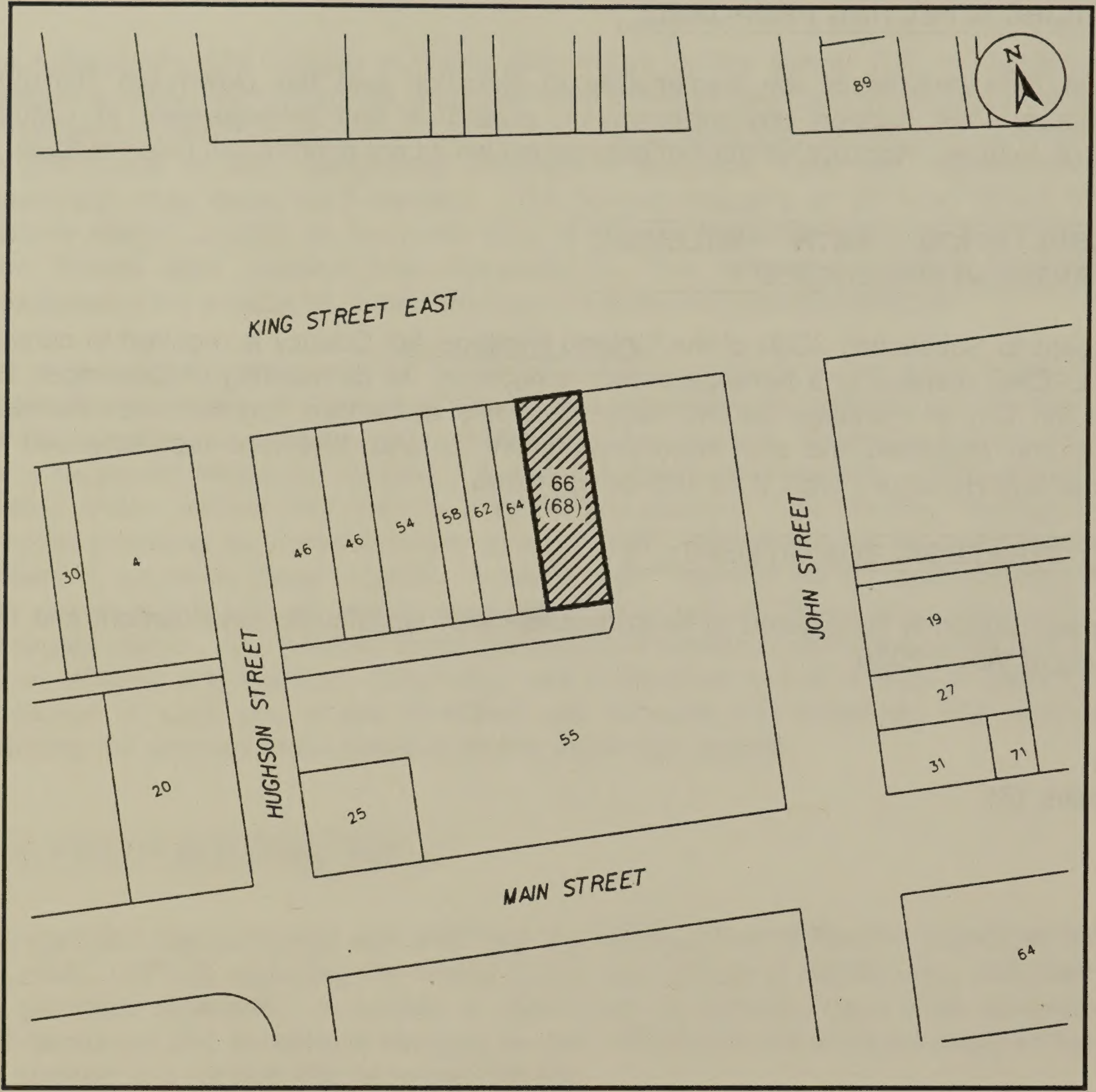
CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

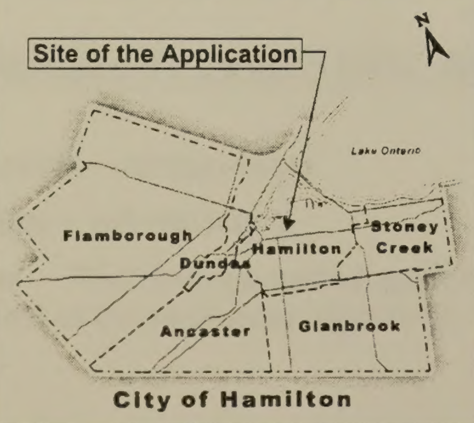
Pursuant to Subsection 33(4) of the Ontario Heritage Act Council is required to consult with LACAC respecting a heritage permit application. At its meeting of December 19, 2002 the City of Hamilton LACAC considered this application together with the staff report and endorsed the staff recommendation. LACAC therefore recommended to Council that Heritage Permit 2002-029 be approved.

CITY STRATEGIC COMMITMENT:

The application is considered to be compatible with sustainable development and the values of Vision 2020.

:SB
Attachs. (3)


N
89
KING STREET EAST
30
4
46
46
54
58
62
64
66
(68)
JOHN STREET
HUGHSON STREET
19
27
31
71
55
20
25
MAIN STREET
64


Site of the Application
N
Lake Ontario
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook
City of Hamilton

PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Hamilton

▨ **Subject Property**
66 (68) King Street East

Filename/number
66(68) King St. E.

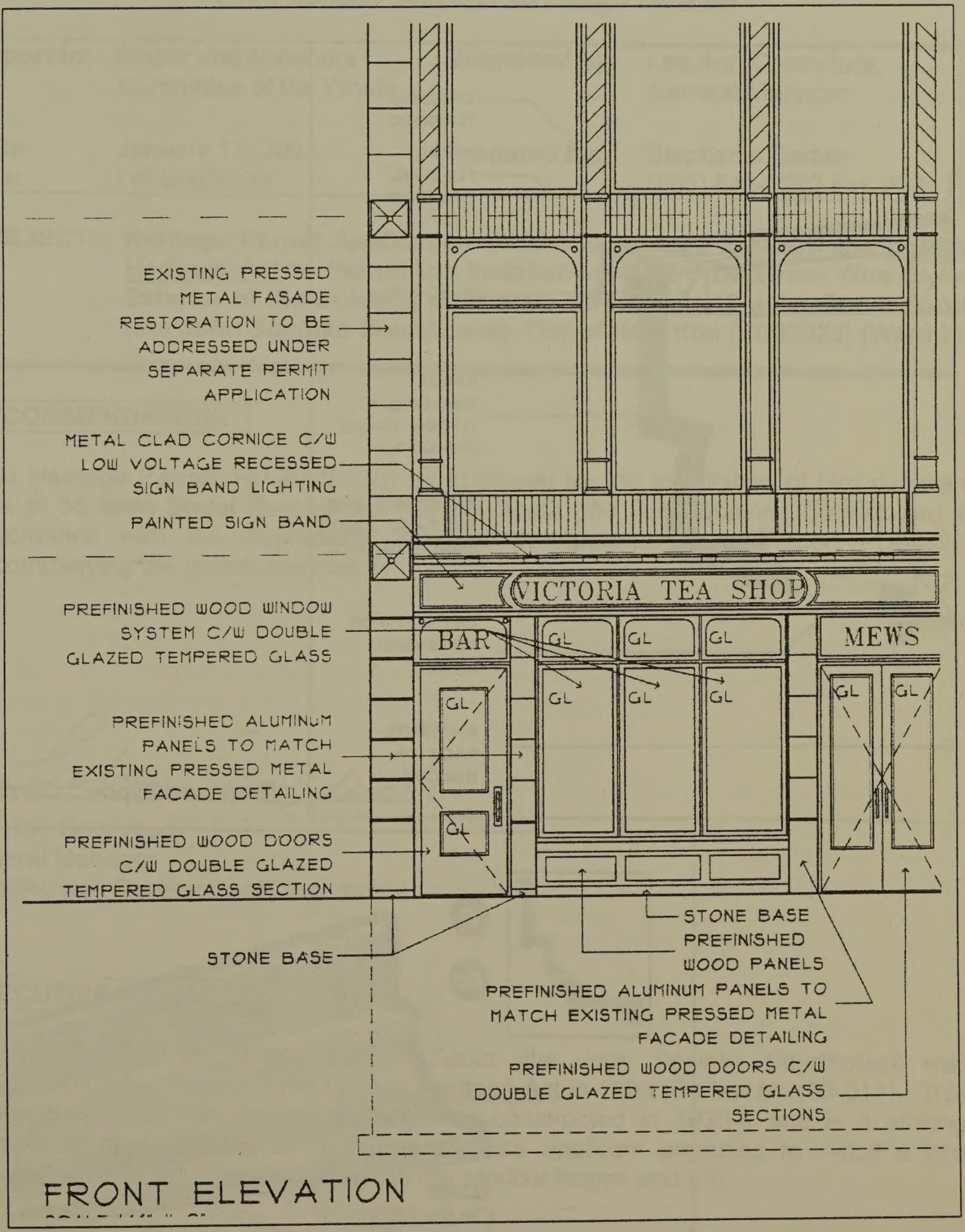
Date
December 5, 2002

Technician:
LC

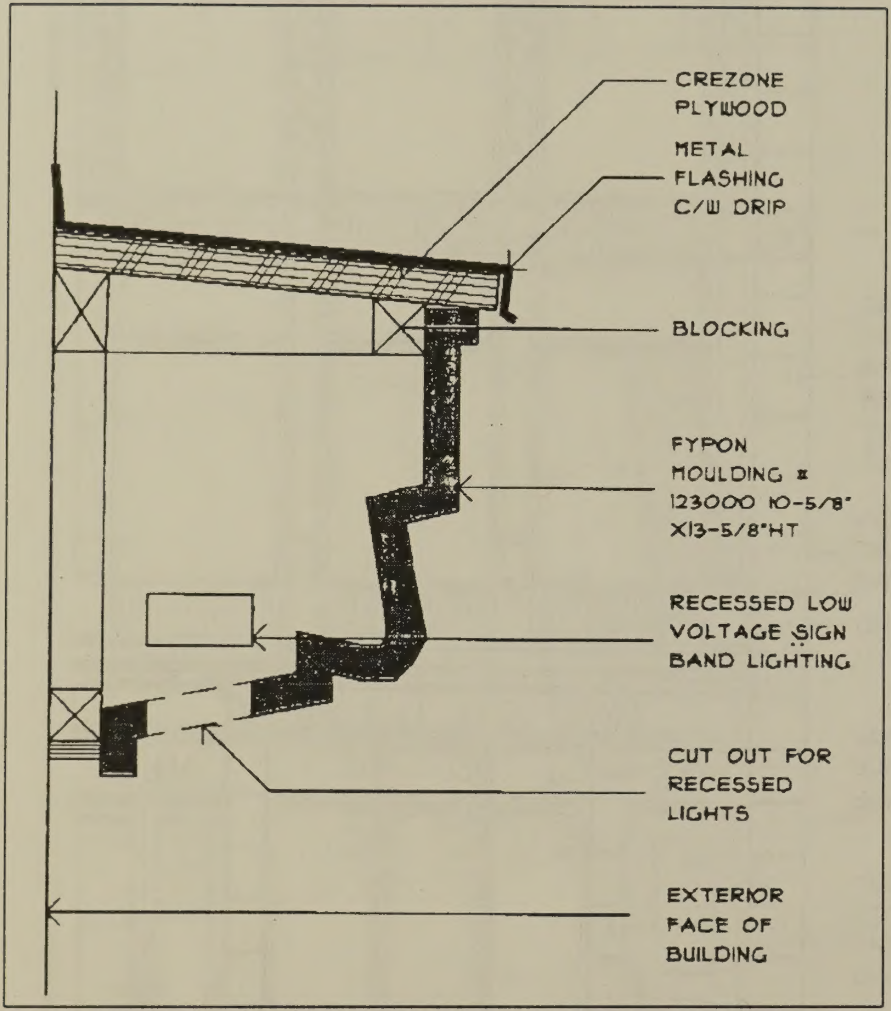
Map Not to Scale

Appendix "A"

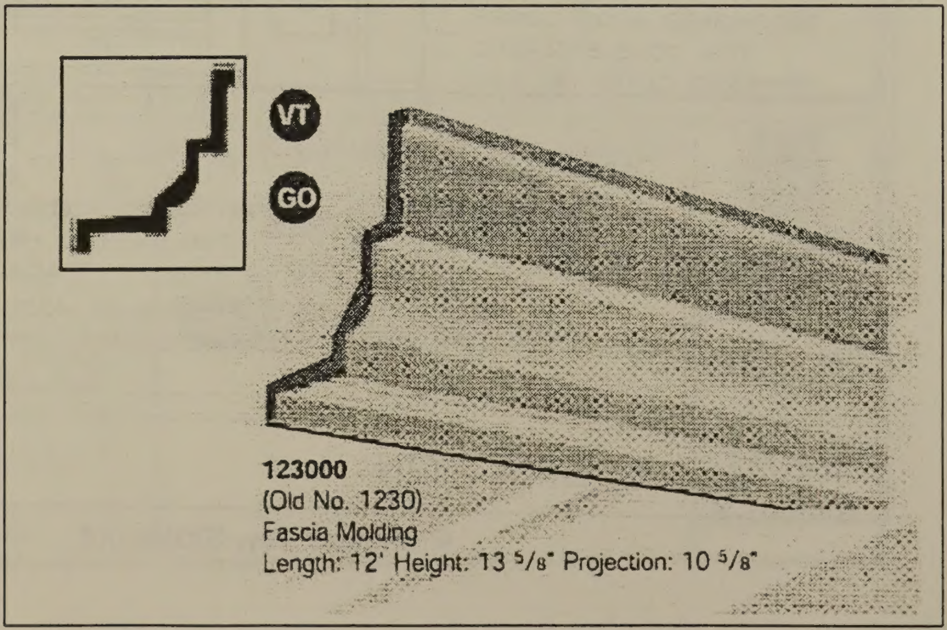
Appendix B to Report PD03024
Page 1 of 1


EXISTING PRESSED METAL FASADE RESTORATION TO BE ADDRESSED UNDER SEPARATE PERMIT APPLICATION
METAL CLAD CORNICE C/W LOW VOLTAGE RECESSED SIGN BAND LIGHTING
PAINTED SIGN BAND
VICTORIA TEA SHOP
PREFINISHED WOOD WINDOW SYSTEM C/W DOUBLE GLAZED TEMPERED GLASS
BAR
GL
MEWS
PREFINISHED ALUMINUM PANELS TO MATCH EXISTING PRESSED METAL FACADE DETAILING
PREFINISHED WOOD DOORS C/W DOUBLE GLAZED TEMPERED GLASS SECTION
STONE BASE
STONE BASE
PREFINISHED WOOD PANELS
PREFINISHED ALUMINUM PANELS TO MATCH EXISTING PRESSED METAL FACADE DETAILING
PREFINISHED WOOD DOORS C/W DOUBLE GLAZED TEMPERED GLASS SECTIONS
FRONT ELEVATION

Proposed New Storefront


CREZONE PLYWOOD
METAL FLASHING C/W DRIP
BLOCKING
FYPON MOULDING # 123000 10-5/8" X13-5/8"HT
RECESSED LOW VOLTAGE SIGN BAND LIGHTING
CUT OUT FOR RECESSED LIGHTS
EXTERIOR FACE OF BUILDING

Proposed Fypon^{TM} Cornice



123000
(Old No. 1230)
Fascia Molding
Length: 12' Height: 13 5/8" Projection: 10 5/8"

AFFECTS
WARD 2

CITY OF HAMILTON

4.8

PLANNING AND DEVELOPMENT DEPARTMENT
Long Range Planning and Design Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date:	January 17, 2003	**Prepared by:**	Stephanie Barber
File:	HP-2002-030		(905) 643-1262 Ext. 220

SUBJECT: Heritage Permit Application (2002-030) under Part IV of the Ontario Heritage Act to Permit the Installation of Bird Deterrent Wire to the Exterior of the Building at 55 Main Street East/10 John Street South (the *John Sopinka Courthouse*), City of Hamilton (PD03025) (Ward 2)

RECOMMENDATION:

That Heritage Permit (HP-2002-030) be approved for the installation of bird deterrent wire at 55 Main Street East/10 John Street South *(the John Sopinka Courthouse)* in accordance with the illustrations attached as Appendix C to Report PD03025, accompanying the permit application.

LeeAnn Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

55 Main Street East/10 John Street South (the *John Sopinka Courthouse*) was designated under Part IV of the Ontario Heritage Act in 1993 (By-law No. 93-011). This former post office and federal building was constructed in 1935-6 and is a striking example of modern classical architecture. The applicant proposes to install a bird deterrent wire on the upper ledge and to the window ledges and sills.

BACKGROUND:

The *John Sopinka Courthouse* is designated under Part IV of the Ontario Heritage Act and as such, a Heritage Permit Application must be submitted for any proposed work that alters the exterior of any building or structure. The subject building is located at the northwest corner of Main and John Streets (see location map Appendix A). As a result of the demolition of the adjacent building at Main and Hughson, there have been an increasing number of pigeons perching on ledges of the *John Sopinka Courthouse*. There is concern that bird droppings will cause long term damage to the limestone exterior. The proposed bird deterrent wire will not result in significant adverse impacts to this heritage building. The Heritage Permit Review Subcommittee of LACAC has reviewed this application and has no objections to the proposed installation of bird deterrent wire.

ANALYSIS OF ALTERNATIVES:

After searching for the most appropriate product for this heritage building, the applicant proposes to install a product known as Bird-Flite™ (a series of thin blunted spikes) on the 4" ledge above the 5th floor windows on both the John Street and Main Street elevations. A second product called BirdWire™ (a series of wires strung between small metal posts) will be installed on the window ledges and sills on the second, third, fourth and fifth floors, on the Main Street elevation only. A neutral adhesive called Bird Barrier Bond™ will be used to secure the deterrent wire to the building substrate. This method of attachment was chosen over one that would fasten the bases of the posts by drilling anchors into the stone.

Critical factors in the evaluation of any change affecting a heritage building are "displacement effects" (those adverse actions that result in the damage, loss or removal of valued heritage features) and "disruption effects" (those actions that result in detrimental changes to the setting or character of a heritage feature). The proposed deterrent wire does not result in displacement or disruption effects. The deterrent wire is invisble and the adhesive will not damage the stone.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial – not applicable.

Staffing – not applicable.

Legal – 55 Main Street East/10 John Street south is designated under Part IV of the Ontario Heritage Act.

POLICIES AFFECTING PROPOSAL:

Official Plan policies of the former City of Hamilton support the conservation, protection and management of cultural heritage features. Approval of this heritage permit would not conflict with these policies.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

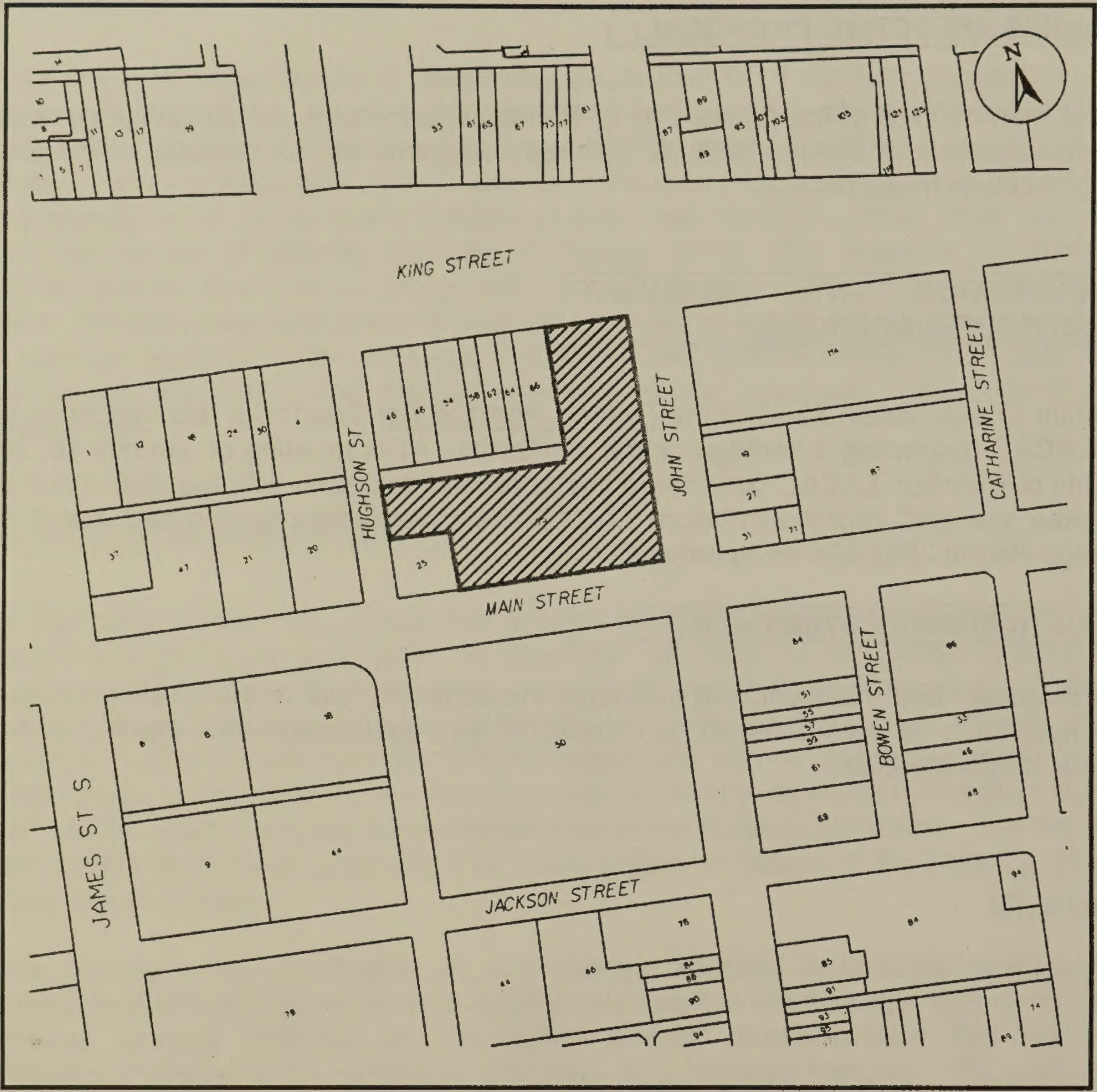
Pursuant to subsection 33(4) of the Ontario Heritage Act Council is required to consult with LACAC respecting a heritage permit application. At its meeting of January 16, 2002 the City of Hamilton LACAC considered this application together with the staff report and endorsed the staff recommendation. LACAC therefore recommended to Council that Heritage Permit 2002-030 be approved.

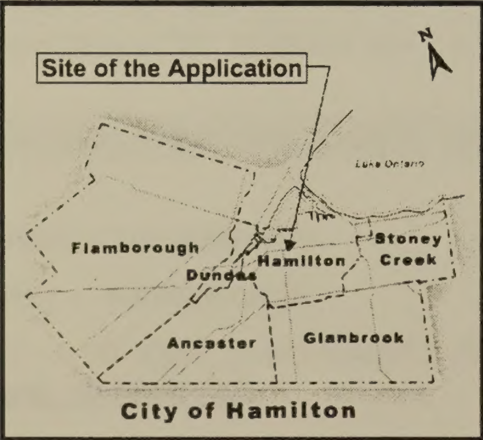
CITY STRATEGIC COMMITMENT:

The proposed bird deterrent wire facilitates the continued use of the existing structure. The application is considered to be compatible with sustainable development and the values of VISION 2020.

:SB
Attachs. (3)

Appendix A to Report PD03025
Page 1 of 1


N
KING STREET
HUGHSON ST
JOHN STREET
CATHARINE STREET
MAIN STREET
JAMES ST S
BOWEN STREET
JACKSON STREET


Site of the Application
N
Lake Ontario
Flamborough
Hamilton
Stoney Creek
Dundas
Ancaster
Glanbrook
City of Hamilton

PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

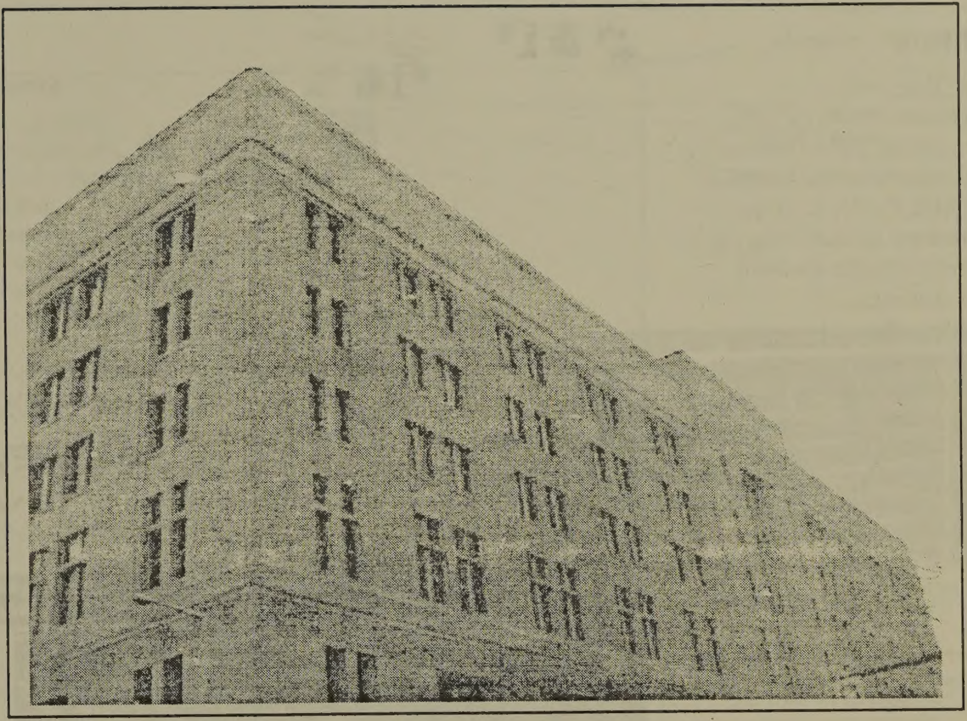
Hamilton

▨ **Subject Property**
55 Main Street E. / 10 John Street S.

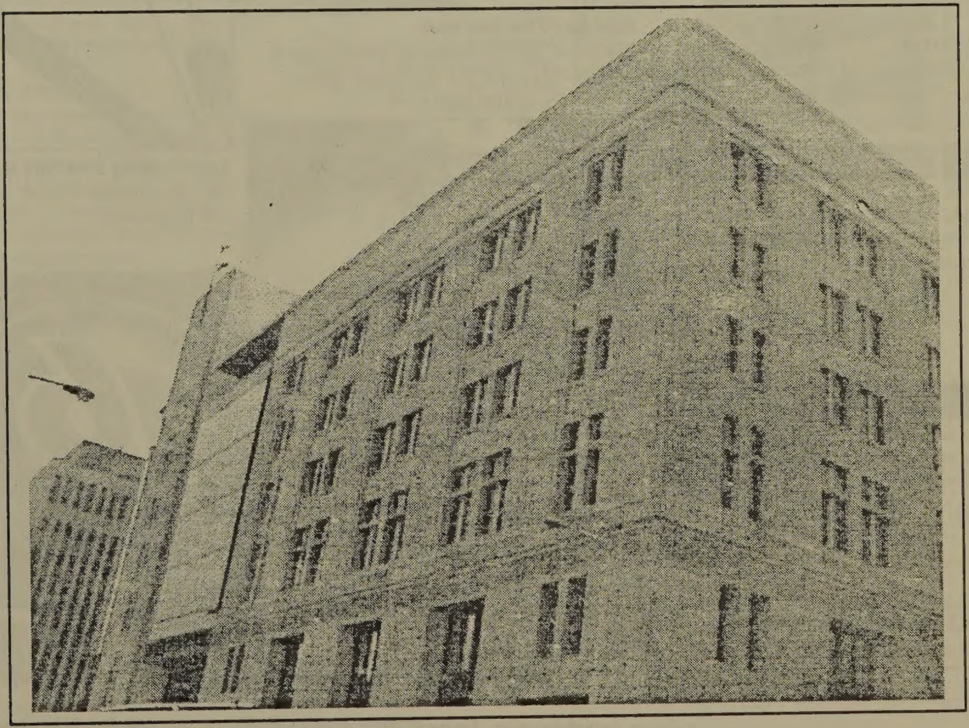
Filename/number	55 Main St. E/10 John St.S.
Date	January 9, 2003
Technician:	NM

Map Not to Scale

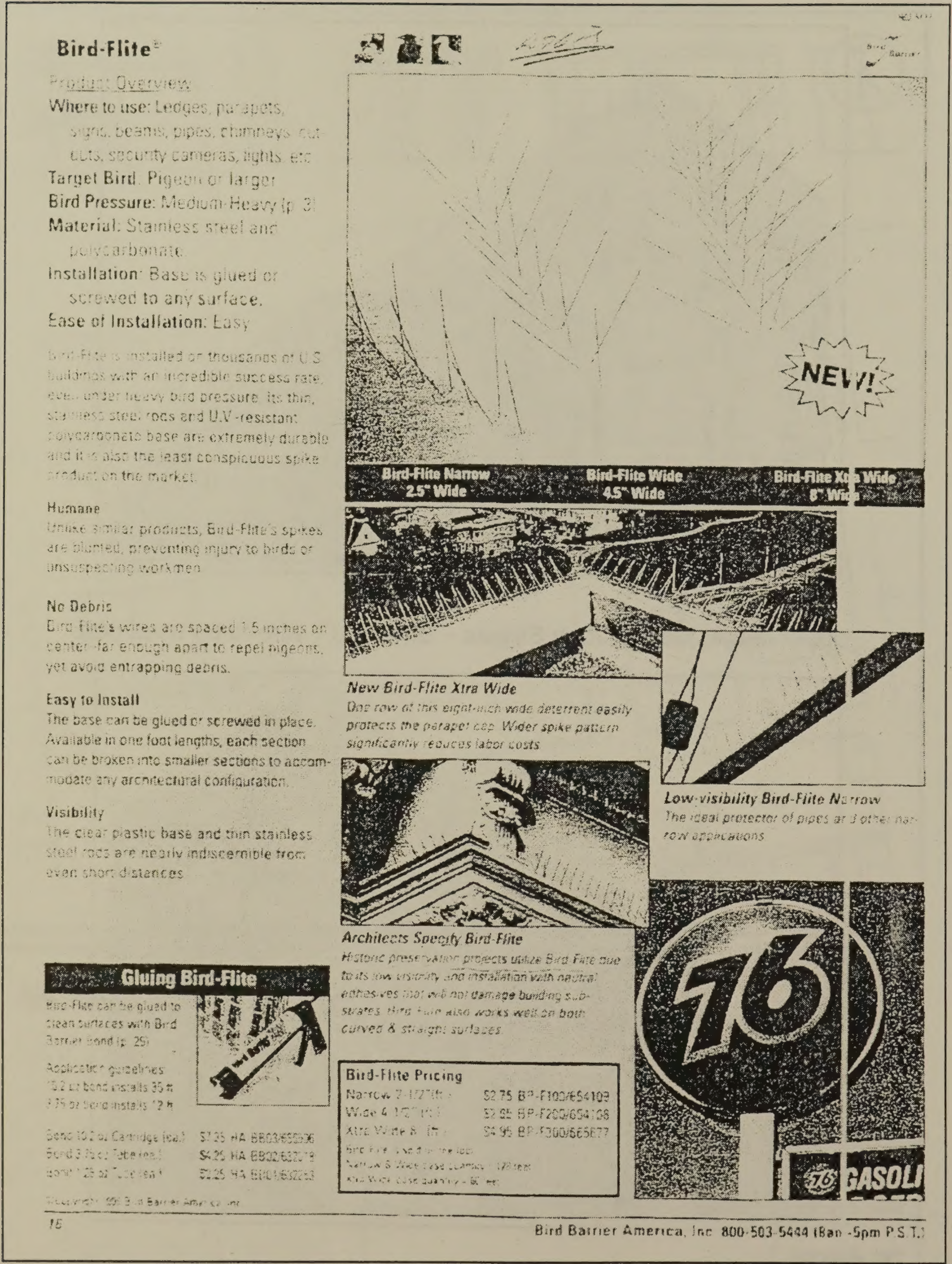
Appendix "A"



Upper ledge, Main & John Streets – Bird-Flite^{tm} wire to be used here



Windows along Main Street – BirdWire^{tm} to be used here


NEW!
Bird-Flite Narrow 2.5" Wide
Bird-Flite Wide 4.5" Wide
Bird-Flite Xtra Wide 8" Wide
76
GASOLI

Bird-Flite®

Product Overview

Where to use: Ledges, parapets, signs, beams, pipes, chimneys, cut-outs, security cameras, lights, etc.
Target Bird: Pigeon or larger
Bird Pressure: Medium-Heavy (p. 3)
Material: Stainless steel and polycarbonate.
Installation: Base is glued or screwed to any surface.
Ease of Installation: Easy

Bird-Flite is installed on thousands of U.S. buildings with an incredible success rate, even under heavy bird pressure. Its thin, stainless steel rods and U.V.-resistant polycarbonate base are extremely durable and it is also the least conspicuous spike product on the market.

Humane
Unlike similar products, Bird-Flite's spikes are blunted, preventing injury to birds or unsuspecting workmen.

No Debris
Bird-Flite's wires are spaced 1.5 inches on center - far enough apart to repel pigeons, yet avoid entrapping debris.

Easy to Install
The base can be glued or screwed in place. Available in one foot lengths, each section can be broken into smaller sections to accommodate any architectural configuration.

Visibility
The clear plastic base and thin stainless steel rods are nearly indiscernible from even short distances.

New Bird-Flite Xtra Wide
One row of this eight-inch wide deterrent easily protects the parapet cap. Wider spike pattern significantly reduces labor costs.

Low-visibility Bird-Flite Narrow
The ideal protector of pipes and other narrow applications.

Architects Specify Bird-Flite
Historic preservation projects utilize Bird-Flite due to its low visibility and installation with neutral adhesives that will not damage building substrates. Bird-Flite also works well on both curved & straight surfaces.

Gluing Bird-Flite

Bird-Flite can be glued to clean surfaces with Bird Barrier Bond (p. 25)

Application guidelines:
10.2 oz bond installs 35 ft
3.75 oz bond installs 12 ft

Bond 10.2 oz Cartridge (ea.)	$7.25 HA-BB03/655506
Bond 3.75 oz Tube (ea.)	$4.25 HA-BB02/632019
Bond 1.25 oz Tube (ea.)	$2.25 HA-BB01/632253

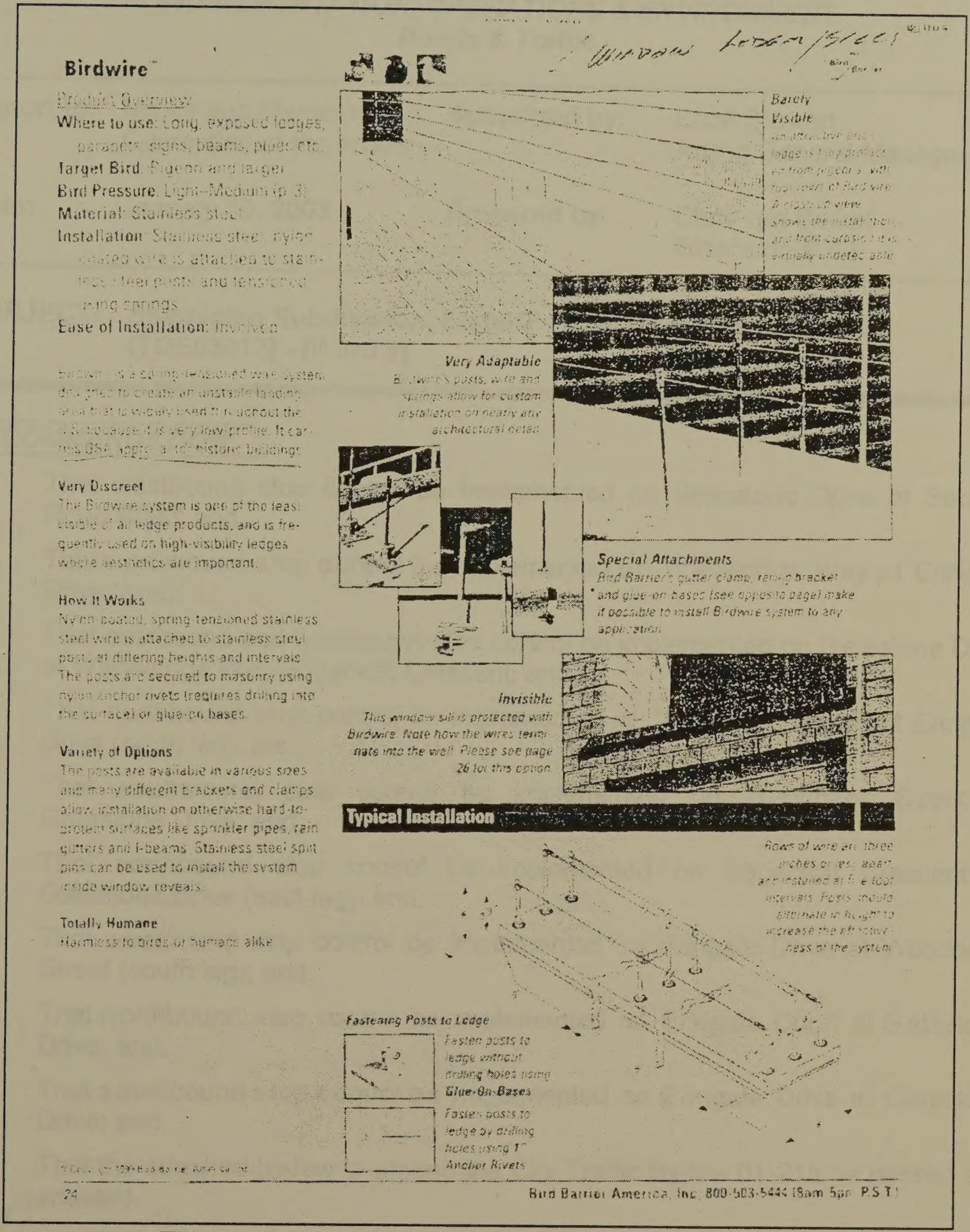
Bird-Flite Pricing

Narrow 2-1/2" (ft.)	$2.75 BP-F100/654103
Wide 4-1/2" (ft.)	$2.95 BP-F200/654108
Xtra Wide 8" (ft.)	$4.95 BP-F300/665677

Bird-Flite sold by the foot
Narrow & Wide case quantity - 128 feet
Xtra Wide case quantity - 60 feet

©Copyright 1999 Bird Barrier America, Inc.

This product to be installed on the upper 4" ledge on both John and Main Street elevations



Window Ledges/Sills

Birdwire™

Product Overview

Where to use: Long, exposed ledges, parapets, signs, beams, pipes etc.
Target Bird: Pigeon and larger
Bird Pressure: Light–Medium (p. 3)
Material: Stainless steel
Installation: Stainless steel, nylon coated wire is attached to stainless steel posts and tensioned using springs
Ease of Installation: Involved

Birdwire is a spring-tensioned wire system designed to create an unstable landing area that is widely used throughout the U.S. because it is very low-profile. It carries GSA approval for historic buildings.

Very Discreet
The Birdwire system is one of the least visible of all ledge products, and is frequently used on high-visibility ledges where aesthetics are important.

How It Works
Nylon-coated, spring-tensioned stainless steel wire is attached to stainless steel posts at differing heights and intervals. The posts are secured to masonry using nylon anchor rivets (requires drilling into the surface) or glue-on bases.

Variety of Options
The posts are available in various sizes and many different brackets and clamps allow installation on otherwise hard-to-protect surfaces like sprinkler pipes, rain gutters and I-beams. Stainless steel split pins can be used to install the system inside window reveals.

Totally Humane
Harmless to birds or humans alike.

Barely Visible
An attractive brick ledge is fully protected from pigeons with four rows of Bird wire. A close-up view shows the installation, and from outside it is virtually undetectable.

Very Adaptable
Birdwire's posts, wire and springs allow for custom installation on nearly any architectural detail.

Special Attachments
Bird Barrier's gutter clamp, railing bracket and glue-on bases (see opposite page) make it possible to install Birdwire system to any application.

Invisible
This window sill is protected with Birdwire. Note how the wires terminate into the wall. Please see page 26 for this option.

Typical Installation

Rows of wire are three inches or less apart, and installed at five foot intervals. Posts should alternate in height to increase the effectiveness of the system.

Fastening Posts to Ledge
Fasten posts to ledge without drilling holes using ***Glue-On-Bases***
Fasten posts to ledge by drilling holes using 1" Anchor Rivets

[illegible]

This product to be installed on the window ledges/sills on Main Street elevation only

AFFECTS WARD 9

CITY OF HAMILTON

4.9

TRANSPORTATION, OPERATIONS & ENVIRONMENT
Roads & Traffic

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Scott Stewart Acting General Manager
Date:	January 10, 2003	**Prepared by:**	Chris van Berkel Extension 5663

SUBJECT: Shadyglen Subdivision, Stage 2 - Stop Sign Installations (TOE03013) - (Ward 9)

RECOMMENDATION:

(a) That westbound stop control be implemented on Gatestone Drive at Second Road West; and,

(b) That northbound stop control be implemented on Willowridge Way at Eringate Drive; and,

(c) That eastbound and westbound stop control be implemented on Gatestone Drive at Willowridge Way/Edgecroft Crescent; and,

(d) That northbound stop control be implemented on Woodbank Street at Eringate Drive (north leg); and,

(e) That southbound stop control be implemented on Woodbank Street at Gatestone Drive; and,

(f) That northbound stop control be implemented on Edgecroft Crescent at Gatestone Drive (east-leg); and,

(g) That westbound stop control be implemented on Eringate Drive at Woodbank Street (south leg); and,

(h) That northbound stop control be implemented on Eringate Court at Gatestone Drive; and,

(i) That southbound stop control be implemented on Eringate Drive at Gatestone Drive; and,

(j) That the attached by-law to amend the City Traffic By-law 01-215 be passed and enacted.

Scott

Scott Stewart, Acting General Manager
Transportation, Operations & Environment

EXECUTIVE SUMMARY:

Staff have reviewed the plans for Stage 2 of the Shadyglen Subdivision Plan. This new subdivision is located north of Rymal Road and just east of Second Road West in Ward 9. The purpose of the review was to identify locations where stop control is required at several new intersections within this subdivision. The installation of the subject stop signs is funded with capital raised through development levies.

Staff has identified eight intersections within this subdivision where stop control would be appropriate. Six are "T" type intersections and two are four-leg intersections. The implementation of these stop signs will promote safe and efficient traffic movements in this subdivision.

BACKGROUND:

The information/recommendations contained within this report primarily affects Ward 9.

The Traffic Engineering office received a plan for a new subdivision from the Planning and Development Department. Staff have reviewed the roadway layout for Stage 2 of the Shadyglen Subdivision Plan and are recommending that stop control be implemented at eight intersections within this subdivision to define the right-of-way rules for motorists and pedestrians.

ANALYSIS OF ALTERNATIVES:

One alternative to implementing stop control at the "T" type intersections would be to take no action. The Ontario Highway Traffic Act stipulates that all traffic approaching an uncontrolled intersection must yield the right-of-way to traffic approaching on the right. However, in the interest of public safety, and in lieu of the otherwise applicable right-hand-rule, which may not be clearly understood by all motorists, staff are recommending that stop signs be installed on the stem of these "T" type intersections.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Sufficient funds are available in the regular current accounts to cover the costs of manufacturing, erecting and maintaining the required signs. Funding is added to the sign installation accounts from development charges specifically for such items.

POLICIES AFFECTING PROPOSAL:

All-way stop control is not warranted at any of the eight intersections based on the City Council approved policy entitled the "Installation Policy for All-way Stop Control at Intersections".

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

N/A

CITY STRATEGIC COMMITMENT:

The installation of the stop signs at the subject intersections will clearly define the right-of-way, thus reducing the potential for collisions and providing for a safer community environment.

Attached: Key Map and By-law

Authority: Item , Name of Committee
Report
CM: Date

Bill No.

CITY OF HAMILTON

BY-LAW NO. 02-

To Amend By-law No. 01-215 Being a By-law To Regulate Traffic

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-215 to regulate traffic;

AND WHEREAS it is necessary to amend By-law No. 01-215;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule 5 (Stop Signs) of By-law No. 01-215, as amended, is hereby further amended by adding to Section "F" thereof the following items, namely:

"Gatestone Drive	Eastbound and Westbound	Willowridge Way/ Edgecroft Crescent
Edgecroft Crescent	North	Gatestone Drive (East Intersection)
Eringate Court	North	Gatestone Drive
Eringate Drive	South	Gatestone Drive
Eringate Drive	West	Woodbank Street (South Intersection)
Gatestone Drive	West	Second Road West
Willowridge Way	North	Eringate Drive

Woodbank Street	North	Eringate Drive
Woodbank Street	South	Gatestone Drive”

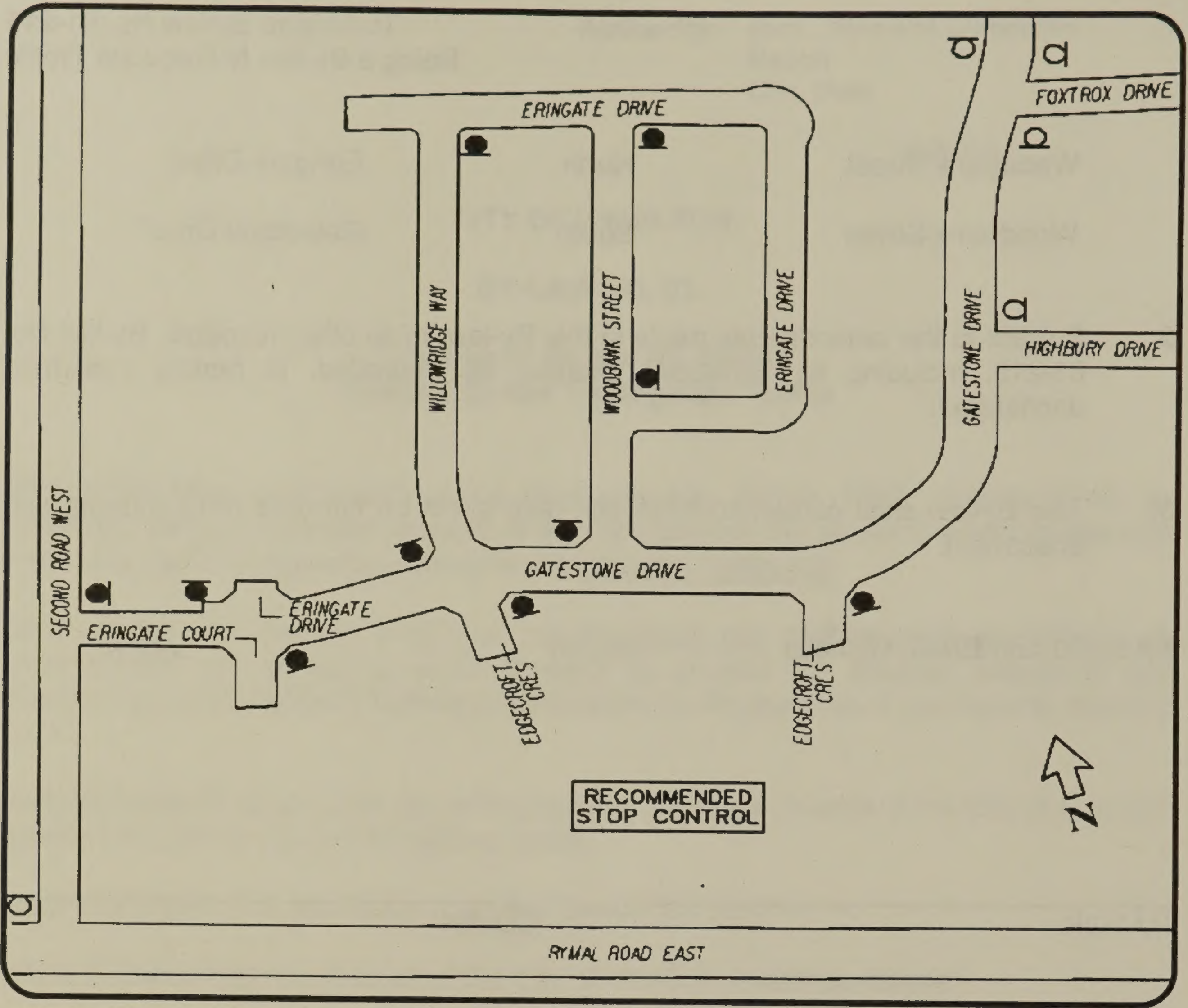
2. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-215, including all Schedules thereto, as amended, is hereby confirmed unchanged.

3. This By-law shall come into force and take effect on the date of its passing and enactment.

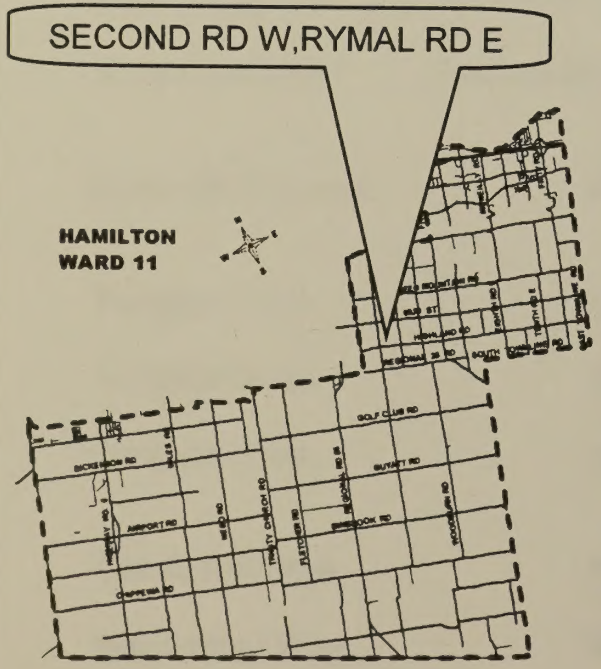
PASSED and ENACTED this day of , 2003

MAYOR

CLERK


FOXTROX DRIVE
ERINGATE DRIVE
HIGHBURY DRIVE
WILLOWRIDGE WAY
WOODBANK STREET
ERINGATE DRIVE
GATESTONE DRIVE
SECOND ROAD WEST
GATESTONE DRIVE
ERINGATE DRIVE
ERINGATE COURT
EDGECROFT CRES
EDGECROFT CRES
RECOMMENDED STOP CONTROL
N
RYMAL ROAD EAST

KEY MAP


SECOND RD W,RYMAL RD E
HAMILTON
WARD 11

LOCATION PLAN

STOP CONTROL:
SHADYGLEN SUBDIVISION
AT NORTHEAST CORNER
OF SECOND ROAD WEST
AND RYMAL ROAD EAST
CITY OF HAMILTON
TRANSPORTATION, OPERATIONS & ENVIRONMENT

LEGEND

➡ SUBJECT INTERSECTION

RECOMMENDED		EXISTING	
●	TRAFFIC SIGNAL	○	TRAFFIC SIGNAL
●	STOP SIGN	○	STOP SIGN
▼	YIELD SIGN	▽	YIELD SIGN

SCALE	DATE
NOT TO SCALE	**2003-01-10**

REFERENCE FILE NO: **TOE03013**

AFFECTS
WARD 7

CITY OF HAMILTON

4.10

TRANSPORTATION, OPERATIONS & ENVIRONMENT
Roads & Traffic

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Scott Stewart Acting General Manager
Date:	January 15, 2003	**Prepared by:**	Rob Galloway Extension 4585

SUBJECT: **Latorre Court and Sirente Drive, Rockview Drive and Sirente Drive, and Marisa Court and Rockview Drive - Intersection Controls (TOE03014) - (Ward 7)**

RECOMMENDATION:

(a) That northbound traffic on Latorre Court be required to stop for eastbound and westbound traffic on Sirente Drive; and

(b) That westbound traffic on Rockview Drive be required to stop for northbound and south bound traffic on Sirente Drive; and

(c) That southbound traffic on Marisa Court be required to stop for eastbound and westbound traffic on Rockview Drive; and

(d) That the attached by-law to amend the City of Hamilton Traffic By-law 01-215 be approved and enacted.

Scott Stewart, Acting General Manager
Transportation, Operations & Environment

EXECUTIVE SUMMARY:

An area resident has requested that stop control be implemented at the intersection of Latorre and Sirente.

Staff reviewed the area and ascertains that a new subdivision is currently being constructed extending Sirente from west of the intersection with Latorre to Rockview. This extension of this road now creates a three-legged intersection at Rockview and Sirente where stop control could be implemented.

Marisa and Rockview was recognized by staff as another intersection in the area without stop control. With increased traffic volumes associated with new home construction, stop control could also improve safety at this intersection.

Staff support introducing stops on the stem of the “T’s”, as it will reinforce the expected operation of this type of intersection.

BACKGROUND:

The information/recommendations contained within this report primarily affect Ward 7.

Staff received a request from an area resident and reviewed the area for stop controls.

The subject intersections are “T” type intersections with no intersection controls. There have been no reported collisions at these intersections. Staff supports the principle of stopping one direction of traffic at “T” type intersections in lieu of the otherwise applicable “right-hand rule”, which may not be clearly understood by all motorists. Therefore, staff recommends that these intersection controls be approved.

ANALYSIS OF ALTERNATIVES:

One alternative to the recommendation would be to take no action on the implementation of stop control. The subject intersection is presently uncontrolled and has operated this way since construction. There have been no reported collisions at this intersection, which is an indication that the intersection is operating satisfactorily without signed stop control.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Sufficient funds are available in regular current accounts to cover the cost of manufacturing, erecting and maintaining the required signs.

POLICIES AFFECTING PROPOSAL:

N/A

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

N/A

CITY STRATEGIC COMMITMENT:

The implementation of stop control will clearly define the “right-of-way” at the subject intersection, thus, reducing the potential for collisions and providing a safer community. This approach reinforces the City’s Vision 2020 goals of reducing risks and developing a safer physical environment.

Attached: Key Map & By-law

Authority: Item , Name of Committee
Report
CM: Date

Bill No.

CITY OF HAMILTON

BY-LAW NO. 03-

To Amend By-law No. 01-215
Being a By-law To Regulate Traffic

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-215 to regulate traffic;

AND WHEREAS it is necessary to amend By-law No. 01-215;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule 5 (Stop Signs) of By-law No. 01-215, as amended, is hereby further amended by adding to Section "E" thereof the following items, namely:

"Latorre	Northbound	Sirente
Marisa	Southbound	Rockview
Rockview	Westbound	Sirente"

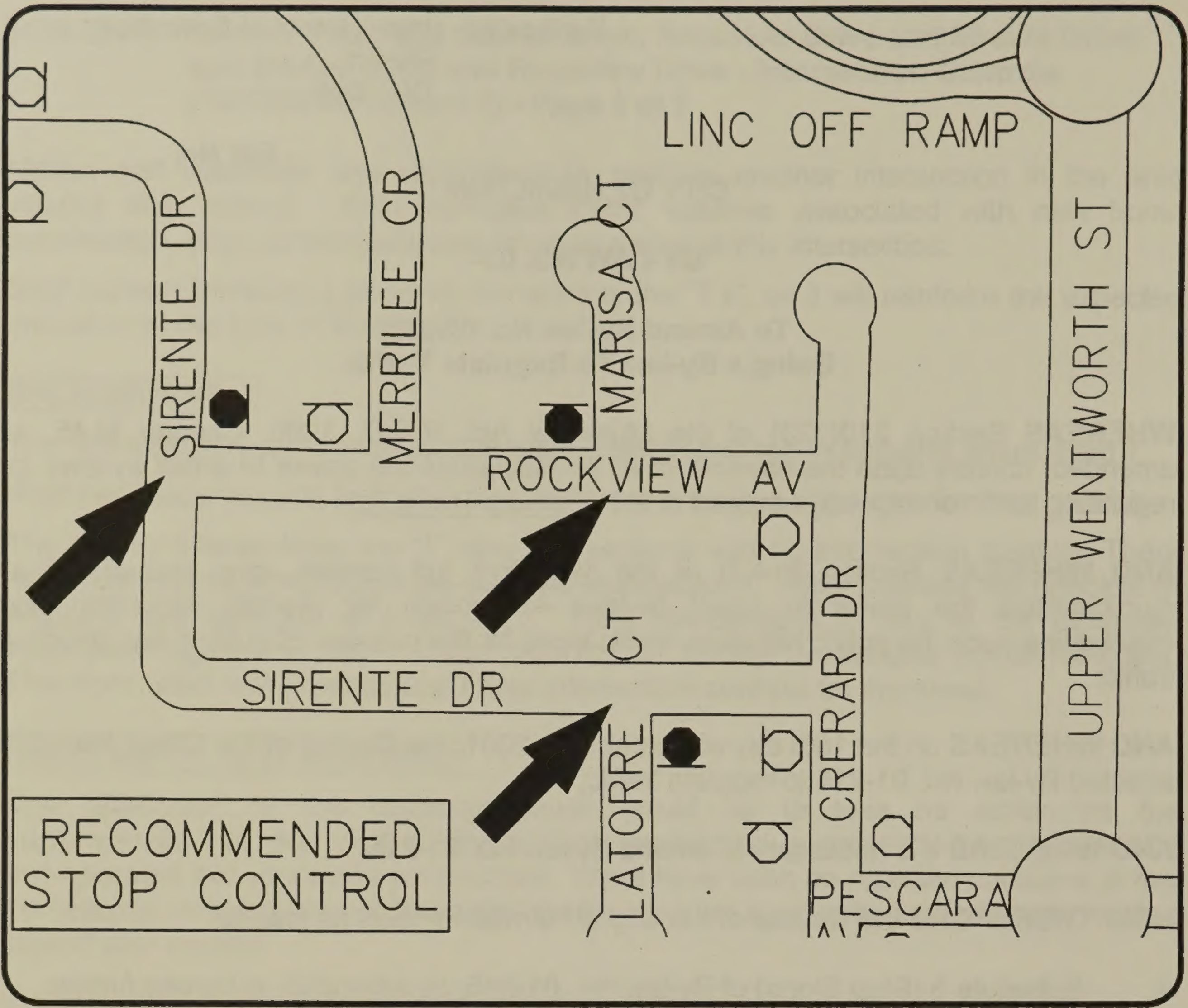
2. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-215, including all Schedules thereto, as amended, is hereby confirmed unchanged.

3. This By-law shall come into force and take effect on the date of its passing and enactment.

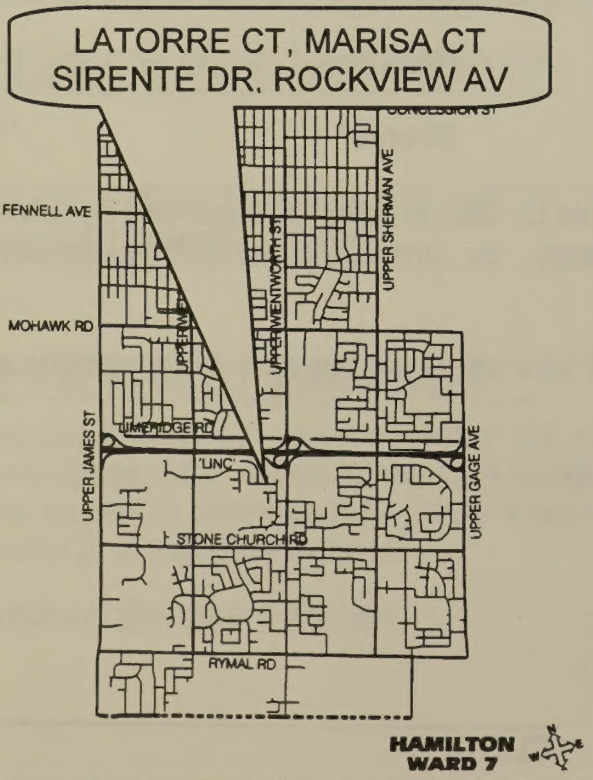
PASSED and ENACTED this day of , 2003

MAYOR

CLERK


LINC OFF RAMP
SIRENTE DR
MERRILEE CR
MARISA CT
UPPER WENTWORTH ST
ROCKVIEW AV
CT
CRERAR DR
SIRENTE DR
LATORRE
PESCARA
RECOMMENDED STOP CONTROL

KEY MAP


LATORRE CT, MARISA CT
SIRENTE DR, ROCKVIEW AV
CONCESSION ST
FENNELL AVE
MOHAWK RD
UPPER SHERMAN AVE
UPPER WENTWORTH ST
UPPER JAMES ST
LIMERIDGE RD
'LINC'
UPPER GAGE AVE
STONE CHURCH RD
RYMAL RD
HAMILTON
WARD 7

LOCATION PLAN

STOP CONTROLS:
LATORRE CT,
MARISA CT, SIRENTE DR
AND ROCKVIEW AV
CITY OF HAMILTON
TRANSPORTATION, OPERATIONS & ENVIRONMENT

LEGEND

➡ SUBJECT INTERSECTION

RECOMMENDED		EXISTING	
●	TRAFFIC SIGNAL	○	TRAFFIC SIGNAL
●	STOP SIGN	○	STOP SIGN
▼	YIELD SIGN	▽	YIELD SIGN

SCALE
NOT TO SCALE

DATE
2003-01-15

REFERENCE FILE NO: TOE03014

AFFECTS WARD 11

4.11

CITY OF HAMILTON

TRANSPORTATION, OPERATIONS & ENVIRONMENT
Roads & Traffic

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Scott Stewart Acting General Manager
Date:	January 15, 2003	**Prepared by:**	Rich Shebib Extension 3909

SUBJECT: **Intersections of Idlewilde Lane and Grassyplain Drive, Blackburn Lane and Grassyplain Drive, Blackburn Lane and Bellstone Lane, Bellmoore Court and Idlewilde Lane, Archer Way and Grassyplain Drive - Intersection Control (Ward 11) - (TOE03015)**

RECOMMENDATION:

(a) That northbound traffic on Idlewilde Lane be required to stop for eastbound and westbound traffic on Grassyplain Drive; and

(b) That northbound traffic on Blackburn Lane be required to stop for eastbound and westbound traffic on Grassyplain Drive; and

(c) That southbound traffic on Blackburn Lane be required to stop for eastbound and westbound traffic on Bellstone Lane; and

(d) That eastbound traffic on Bellmoore Court be required to stop for northbound and southbound traffic on Idlewilde Lane; and

(e) That northbound traffic on Archer Way be required to stop for eastbound and westbound traffic on Grassyplain Drive; and

(f) That the attached by-law to amend City of Hamilton By-law 01-215 be passed and enacted.

Scott Stewart, Acting General Manager
Transportation, Operations & Environment

EXECUTIVE SUMMARY:

An area resident has requested that stop control be implemented at the intersection of Idlewilde Lane and Grassyplain Drive. Staff support introducing a stop on the stem of "T-type Intersections", as it will provide clearer designation of right-of-way. A review of

the area revealed that a number of other "T" type intersections are deficient of stop controls. It is recommended that stop controls be proactively implemented at these locations.

BACKGROUND:

The information/recommendations contained within this report primarily affect Ward 11. Staff have received a request from an area resident, that stop control be implemented at the intersection of Idlewilde Lane and Grassyplain Drive, as there is no form of traffic control at this intersection. The subject intersection is a "T" type intersection. There have been no intersection related collisions at this intersection. Staff support the principle of stopping one direction of traffic at "T" type intersections in lieu of the otherwise applicable "right-hand rule", which may not be clearly understood by all motorists. Therefore, staff recommends that northbound traffic on Idlewilde Lane be required to stop for eastbound and westbound traffic on Grassyplain Drive. Due to the fact that this subdivision is still under construction, we are not only proposing to install the stop on Idlewilde Lane and Grassyplain Drive, but also to proactively install stem of "T" stops at the intersections of Blackburn Lane at Grassyplain Drive, Blackburn Lane at Bellstone Lane, Bellmoore Court at Idlewilde Lane, Archer Way at Grassyplain Drive.

ANALYSIS OF ALTERNATIVES:

One alternative to the recommendation would be to take no action on the implementation of stop control. There have been no reported intersection related collisions at this intersection, which is an indication that the intersection is operating satisfactorily without signed stop control.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Sufficient funds are available in regular current accounts to cover the cost of manufacturing, erecting and maintaining the required signs.

POLICIES AFFECTING PROPOSAL:

N/A

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

N/A

CITY STRATEGIC COMMITMENT:

The implementation of stop control will clearly define the "right-of-way" at the subject intersection, thus, reducing the potential for collisions and providing a safer community. This approach reinforced the City's Vision 2020 goals of reducing risks and developing a safer physical environment.

Attached: Map & By-law

Authority: Item , Name of Committee
Report
CM: Date

Bill No.

CITY OF HAMILTON

BY-LAW NO. 03-

To Amend By-law No. 01-215 Being a By-law To Regulate Traffic

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-215 to regulate traffic;

AND WHEREAS it is necessary to amend By-law No. 01-215;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule 5 (Stop Signs) of By-law No. 01-215, as amended, is hereby further amended by adding to Section "D" thereof the following items, namely:

"Archer Way	Northbound	Grassyplain Dr.
Bellmoore Court	Eastbound	Idlewilde Dr.
Blackburn Lane	Northbound	Grassyplain Dr.
Blackburn Lane	Southbound	Bellstone Lane
Idlewilde Lane	Northbound	Grassyplain Dr."

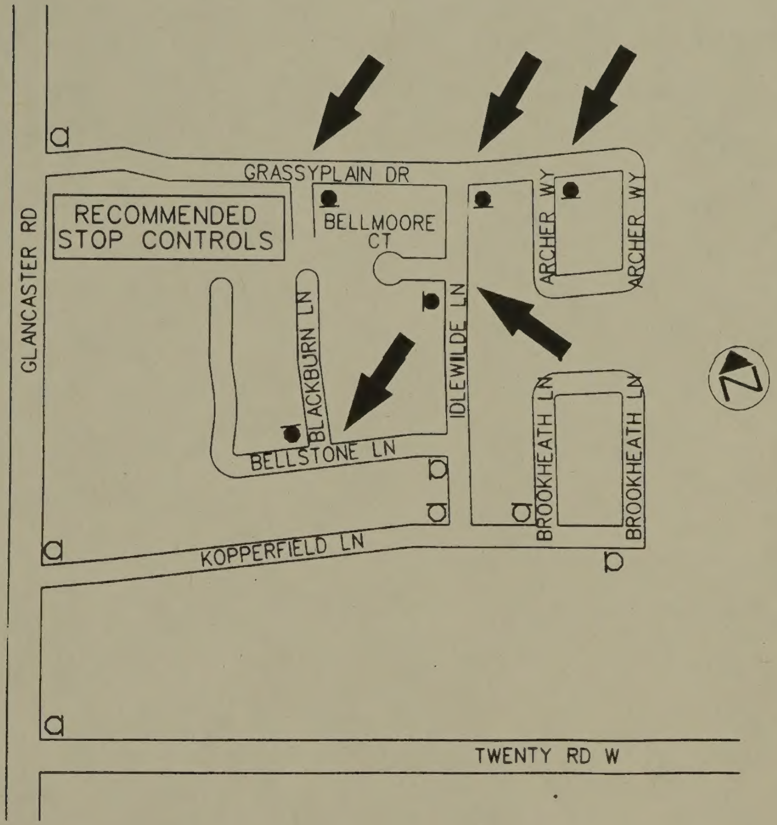
2. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-215, including all Schedules thereto, as amended, is hereby confirmed unchanged.

3. This By-law shall come into force and take effect on the date of its passing and enactment.

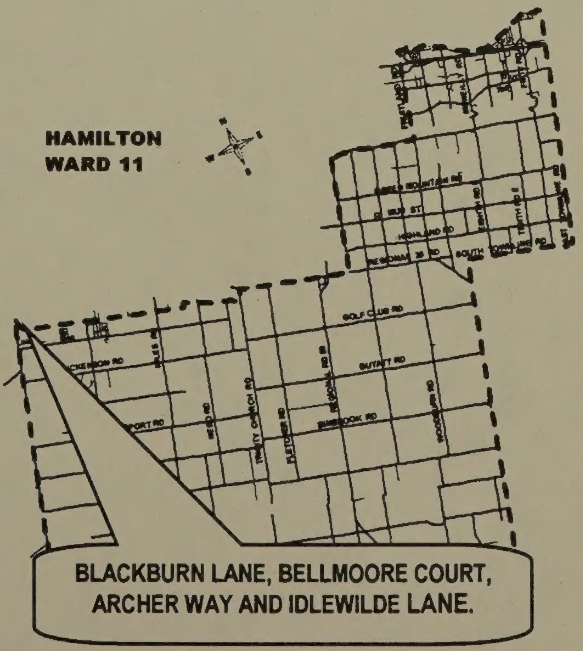
PASSED and ENACTED this day of , 2003

MAYOR

CLERK


RECOMMENDED STOP CONTROLS
GRASSYPLAIN DR
GLANCASTER RD
BELLMOORE CT
ARCHER WY
ARCHER WY
BLACKBURN LN
IDLEWILDE LN
BELLSTONE LN
BROOKHEATH LN
BROOKHEATH LN
KOPPERFIELD LN
TWENTY RD W
N

KEY MAP


HAMILTON
WARD 11
BLACKBURN LANE, BELLMOORE COURT,
ARCHER WAY AND IDLEWILDE LANE.

LOCATION PLAN

STOP CONTROL
IDLEWOOD LANE + BELLESTONE LANE
BLACKBURN LANE + GRASSYPLAIN DRIVE
BLACKBURN LANE + BELLESTONE LANE

LEGEND

➡ SUBJECT INTERSECTION

	RECOMMENDED		EXISTING
●	TRAFFIC SIGNAL	○	TRAFFIC SIGNAL
⯃	STOP SIGN	⬠	STOP SIGN
▼	YIELD SIGN	▽	YIELD SIGN

SCALE
NOT TO SCALE

DATE
2003-01-15

REFERENCE FILE NO: TOE03015

SECTION 5

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

5.1

CITY MANAGER'S OFFICE

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Robert W. Robertson, Ph. D., AICP, MCIP, City Manager
Date:	January 14, 2003	**Prepared by:**	Paul Cripps, P.Eng. Extension 3720

SUBJECT: Growth Related Integrated Development Strategy (G.R.I.D.S) Draft Study Design Report (City Wide)(CM03001)

RECOMMENDATION:

(a) That the Draft Study Design for Growth Related Integrated Development Strategy (G.R.I.D.S.) be received by Council and that the document be presented to the public for review and comment and;

(b) That the Draft Study Design be circulated to the applicable agencies and organizations for comment and;

(c) That upon receipt and consideration of all the comments received, a revised final Study Design be presented to Council for approval and adoption by Spring 2003 and;

(d) That the operational procedures as outlined in Report CM03001 be implemented in conjunction with the G.R.I.D.S. project and;

(e) Council express its thanks to, and recognize, all the members of the Mayor's Task Force for the G.R.I.D.S. process, for their time and efforts in association with the preparation of the study design document;

(f) That the City Manager appoint a project lead for the G.R.I.D.S. project and that the Project Lead prepare and submit a report dealing with the project financing and staffing impacts and that this report be presented in conjunction with the Final Study Design document and;

(g) That staff be directed to initiate those background studies that are part of other approved Capital programs or have previously received budgetary approval and;

(h) For the G.R.I.D.S. Project, the approved rosters prepared under Purchasing Policy #9-3 be utilized as pre-qualification lists for project assignments in excess of the $100,000.00 value where appropriate.

Robert W. Robertson,

EXECUTIVE SUMMARY:

During the summer of 2002, the Mayor's Task Force for the Growth Related Integrated Development Strategy (G.R.I.D.S.) was formed, comprised of fifteen community leaders, four members of Council and chaired by Mayor Wade. The Task Force was charged with the responsibility of developing a study design, or work program, for the G.R.I.D.S. project. During the fall of 2002 the Task Force met on four separate occasions and guided the development of a draft study design that has been provided to Council under separate cover for consideration. It is recommended that Council receives this Draft Study Design and that the document be subjected to a public review and comment process. Upon completion of this review and any required changes, the revised study design will be submitted to Council for final adoption.

During the preparation of the document, Council received the recommendations of the Mayor's Open for Opportunities Task Force that recommended that the City's new Official Plan be completed within two years. This report also deals with the time-lines and administration procedures that would have to be put in place for G.R.I.D.S. to be completed in accordance with the same time frame as recommended by the Open For Opportunities Task Force.

BACKGROUND:

Reports EC001005 & TOE1146 identified the need for an integrated growth management plan to be developed for the City of Hamilton. With the amalgamation of the former municipalities and the Region and the inception of the Official Plan process, G.R.I.D.S. will address questions related to growth patterns and associated policies, as well as develop the Master Servicing Plans for both hard and soft services, required to implement the future growth. In addition, the financial plans will be developed to ensure that what is planned will be affordable and financially feasible. Development of an integrated land use and servicing plan will allow us to attract the right type of growth that will support the approved Economic Development Strategy, while managing the environmental, social and financial impacts, in accordance with the principles of sustainable development and smart growth.

Recently the Federal government has received the Prime Minster's Task Force report on Urban Issues. This report strongly endorses the concepts of 'Smart Growth' at the municipal level. In addition, it recommends that Federal funds be directed towards housing, infrastructure, and transportation/transit. With the strong Smart Growth plans that will be developed as part of the G.R.I.D.S. process, Hamilton will have an advantage when it comes to arguing for our share of Federal funding for these types of projects. In fact it is possible that in order to qualify for future Federal funding, Cities may have to have Smart Growth plans in place and only projects that implement same, would be considered. Further, the detailed and comprehensive analysis of growth related issues within the municipality developed through G.R.I.D.S., would provide us with documentation to support Municipal reform in terms of generating additional revenues streams for the City. These alternative sources could include municipal bonds, dedicated fuel tax and/or tax incremental financing districts.

Work on G.R.I.D.S. related initiatives have already begun. Studies such as the Population and Employment Projections, the Industrial Business Park Review, and the Economic Development Strategy, form an important foundation for the work to be completed under the G.R.I.D.S. umbrella, along with the work on the Master Servicing Plans, which is also underway.

Mayor's Task Force

As outlined in Report TOE01146, a Mayor's Task Force was established to aid in the creation of the Study Design (terms of reference or work plan) for the G.R.I.D.S. process. The Task Force members were invited to participate in the project and were selected to represent a cross section of community leaders with a variety of backgrounds. The Task Force was comprised of the community leaders and members of Council (see Appendix 'A');

Members of the Staff Co-ordinating Committee, comprised of representatives from Transportation, Operations & Environment, Planning and Development, Finance and Corporate Services, Social and Public Health and Economic Development and Dillon Consulting facilitated Task Force discussions and prepared background information and documentation on their behalf.

Upon accepting an invitation to sit on the Task Force, individual interviews were conducted with each member to supply him or her background information on the G.R.I.D.S. process and allow them an opportunity to ask questions about the process and current projects. Interviews were conducted in August and September of 2002 and the kick off Task Force meeting was held on October 7th, 2002. Since that initial meeting, three other formal meetings (October 30th, November 20th and December 4th) and many ancillary discussions, have taken place in order to shape the Draft Study Design.

In summary, the Task Force sought to establish a work program that would balance the three elements of sustainable development, being the Economy, the Environment and the Social needs of the community. There were concerns by members of the Task Force that too much emphasis would be placed on the economic component of the study given Council's commitment to grow the City's tax base. These concerns have been addressed in the Study Design through the creation of a work plan, shaped by Council's commitment to economic growth, while building on the other pillars of Council's Vision, Mission, Values and Goals, which strives for a community that protects the environment while recognizing the social needs of it's citizens and Vision 2020.

The Draft Study Design is a document that was developed through a consensus process, so while it may not meet 100% of the desires of individual Task Force members, it does represent the views of the group.

Draft Study Design

The G.R.I.D.S. planning process is built around four key phases:

- Strategic phase
- Background studies phase
- Evaluation phase
- Master plan document phase

G.R.I.D.S. will be an iterative process that allows the confirmation of previous decisions throughout. Also key to G.R.I.D.S. is consultation with the public and key stakeholders. Consultation is woven throughout the process to ensure public understanding and opportunity for input at each step.

Incorporated into the process is a recognition of the constantly changing context for decision-making (i.e. flexibility). The G.R.I.D.S. process has a deliberate mechanism to test variables and "what if" questions at each step. The objective will be to identify those variables with significant consequences for planning and investment in Hamilton and to manage these risks.

A graphical overview of the four phases of the G.R.I.D.S. planning process is provided in Appendix "B" (attached) and the Draft Study Design document has been provided to all Council members under separate cover. The following is a synopsis of the four phases of the program.

1. Strategic Phase (Spring 2003 completion)

   Based on input from stakeholders, the Mayor's Task Force and Vision 2020 supplemented by technical analysis, this phase will establish, at a high level, the type of community the City of Hamilton wants to be. A number of strategic directions will be identified that reflect various points of emphasis or priorities for the City, which will be the foundation for and provide the rationale for the future growth patterns. This step is not intended to repeat what has been done to date through exercises such as Vision 2020 and the adoption of Council's Vision, Mission, Values and Goals, but rather enhance this work and tailor it to the land use planning, infrastructure and economic focus of G.R.I.D.S. The results of the strategic phase will also help to define the background studies to be undertaken in next phase.

Strategic Directions are detailed objectives and actions that will guide the City in the development of its long-term growth plans (i.e. GRIDS, the new Official Plan, the Social Vision, etc.). They are the backdrop or the "link" between the principles and goals and the adoption of corporate policies and programs. These "strategic directions" will be based on principles or visions for Hamilton over the next 30 years.

Hamilton has established the foundation for the strategic directions through their commitment to Vision 2020 and Council's Mission, Vision, Values and Goals. The Mayor's Task Force supports the need to develop strategic directions that promote a sustainable community yet find a 'sense of balance' between the three theme areas of the environment, economy and social.

2. Background Studies Phase (December 2003 completion)

Background studies will be an essential component of G.R.I.D.S. Some are completed, some are underway and significant new work is needed. These studies will provide baseline data needed to identify and evaluate development options. Collection of all the pertinent data will lead to the identification of constraints and opportunities for growth. This will answer questions such as; 'Where can we take advantage of surplus capacity within our existing infrastructure system?' and 'What are the natural heritage features that must be preserved?' Work packages will focus on a range of topics including financing options and thresholds, rural sustainability, natural heritage, land use, economics, quality of life, transportation/accessibility/mobility, soft and hard infrastructure capacity, etc. Public input to these background studies is an important part of the work plan.

Once the background studies are completed they will be used in conjunction with a workshop/charette process, involving key stakeholders, City Council and the public, to create development options for further review.

3. Evaluation Phase (Summer 2004 completion)

The evaluation of development options will be carried out in two steps – a preliminary evaluation of the long list of development options and a detailed evaluation of the short list of development options. In each step, the options will be evaluated using a range of criteria that reflect:

- Vision 2020
- Council's Vision, Mission, Values and Goals
- The Provincial Policy Statement
- Environmental Assessment requirements
- Stakeholder input.

The level of detail of both the evaluation criteria and data collected will increase when the shortlist of developments options is established. The evaluation will consider both the direct physical and financial impacts of development as well as the potential for indirect impacts associated with required soft and hard servicing. The evaluation will identify a preferred growth and development scenario.

4. Master Plan Document Phase (2005 completion)

   The preferred development option will form the basis for a number of formal plans including, but not limited to, the Official Plan, Hard and Soft Service Master Plans, Financial Plan and Transportation Master Plan. In addition to these plans, a phasing strategy will be developed to aid in guiding how development will proceed.

In addition to these specific phases of the program, some of the general properties of the project will include the development of an implementation and monitoring program, contingency planning looking at the 'what if' scenarios and of course community consultation. It is intended that the consultation/communication plan for the G.R.I.D.S. project will be completed in conjunction with the Official Plan process. By sharing a strategy, between the Official Plan and G.R.I.D.S. processes, public input will be co-ordinated and of greater significance and more cost effective.

ANALYSIS OF ALTERNATIVES:

N/A

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Council has recently received the recommendations from the Mayor's Open for Opportunity Task Force. One of the recommendations contained in that report dealt with the timing for the City's new Official Plan and recommended that the new Official Plan be completed over the next two years. Since one of the deliverables for G.R.I.D.S. is the new land use schedule and community growth policy for the Official Plan, this will require a similar time frame be adopted for this project. Originally the time–lines for G.R.I.D.S. reflected a four to five year scope. Staff has reviewed the scope of studies required to complete G.R.I.D.S. and believes that with a narrowing of focus of the background studies, that this time-line can be achieved. A preliminary two-year schedule has been assembled and is attached as Appendix "C". Background studies that are land inventory related would concentrate efforts on those areas where the probability of growth alternatives being generated is the greatest. Servicing studies will have to focus only on major elements of the respective system (i.e. collector and arterial roads for transportation and the trunk sewers for wastewater). This does not preclude additional information from being collected at a later date, and then used to complete the respective inventories or networks in detail. It only adjusts the time period and schedule of the work important to G.R.I.D.S. so that the information for the study is collected as a priority.

Moving to the two-year time-line has both advantages and disadvantages. The disadvantages would include:

1. A reduced level in details being achieved in the background study phase.
2. A greater focus on achieving G.R.I.D.S. goals will take resources away from other issues. G.R.I.D.S. will have to be the primary focus for departments and selected individual staff members.
3. Additional funding/resources will have to be dedicated to the process. This issue will be the subject of a follow-up report dealing with budgeting and staffing issues to be presented to Council in conjunction with the final adoption of the Study Design.
4. There will be a perception by some elements of the community that reducing the time-lines will reduce the opportunity for public consultation and the potential for resolving issues in a consensus fashion.
5. Capital projects that are subject to the Environmental Assessment process will not have their approvals advanced as far through the review process. The Environmental Assessment process may only be advanced through the initial stages (first two phases) rather than complete E.A. approval, resulting in additional work being required beyond the two year time-line and prior to implementation.

Alternatively, compressing the time-lines will generate a similar list of advantages for the City.

1. There is a community desire to complete the new planning documents as soon as possible to establish the future course for the municipality. There are strong operational arguments supporting this position.
2. Working to meet the two-year time horizon will generate momentum for the project, which will in turn improve our chances for success.
3. There will be less likelihood of staff changes during the reduced time-line, which could result in a more consistent and consolidated document(s).
4. A reduced chance of new municipal, provincial and federal directions or policies will exist, that could change the direction or requirements of G.R.I.D.S. midway through the process, which would lead to project delays.
5. Working with the same time-lines as the Official Plan will generate opportunities for joint public consultation.

Some issues are perceived as neither advantageous nor disadvantageous, but are necessities if the Study Design is to be implemented in two years. These include,

1. A strong reliance on consultants to complete the work, which will mean less corporate experience being gained during the execution, offset by having specialists in the respective fields completing the work.

2. Staff involved in the project must be able to dedicate time to the project without distractions of normal duties. This will require a series of secondments of staff from various departments to oversee and co-ordinate consultants' work.

3. A designated staff member, the project lead, must be appointed for the two year time frame to oversee all aspects of the project and to act as the liaison between Council and the project team. Given the scope of departments that will be involved in this project, it is suggested that this individual be seconded to the City Manager's Office for the duration of the project. (see Fig. 1.0 - page 10)

4. Project Management will become a critical factor in regard to ensuring success. In this regard a consultant to support the Project Lead, experienced in this area, must be retained early in the process to manage schedules and resource allocations.

5. A steering committee should be established, comprised of senior staff members (City Manager and the General Managers from Transportation, Operations and Environment, Planning and Development, Economic Development and Finance and Corporate Services). This group will oversee the process and ensure that internal issues related to process and resources are resolved quickly and effectively.

6. As part of the background study process, it is proposed to undertake several investigations that will look at servicing issues and identify potential solutions. In an effort to save time, these studies may end up exploring servicing issues in geographic areas that are not identified in the Evaluation Phase, and therefore would be 'throw away' costs. If successful, they could save a considerable amount of time once the alternatives are established.

In addition to the above noted operational procedures, it is important that the recommendations contained in Report PD02100/TOE02090 dealing with Urban Boundary Expansion requests be followed. In particular recommendation a) iii)

> *Refer all other requests for an Urban Boundary Expansion to the Growth Related Integrated Development Strategy (GRIDS) Project.*

In order to establish a fixed target for G.R.I.D.S., the City should entertain no new urban boundary requests until the G.R.I.D.S. process has had a chance to establish where future growth should occur. By not processing these types of applications, that require a disproportional amount of resources, this will help free up staff to work on the co-ordination of the G.R.I.D.S. program. This does not preclude the continuation of the work related to the other recommendations contained in the same report (i.e. lower Stoney Creek lands or the Airport), but will prevent any other applications from distracting those efforts.

POLICIES AFFECTING PROPOSAL:

In an effort to reduce time-lines in association with the selection of consultants for this process, discussions have been held with representatives of the Purchasing Section. The primary concern of the Purchasing Section is to ensure that a process is put into place that is fair and does not contravene current policies or procedures. The current Roster policy (#9 – 3) has been an effective tool for reducing the time-lines for assigning project to consultants for assignments under the value of $100,000. This practice will continue and G.R.I.D.S. will make extensive use of this policy. It is proposed that for assignments in excess of this value, where the expertise exists on the roster list, that the approved rosters be used as a pre-qualification list for obtaining competitive proposals. Adoption of this procedure for G.R.I.D.S. will shorten the processing time for consulting assignments by approximately one month. This will be a significant amount of time with the number of assignments being considered, and the two-year time frame. Other methods that are available under existing policies are 'single source' (#PR-10-4.2) where unique consultant qualifications make it appropriate to assign a study to a particular consultant under the approval of the Departmental General Manager, and 'time sensitive' (#PR-11-g) where a contract can be negotiated with an appropriate vendor(s) in order to ensure the effective operation of the City.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

This report has been reviewed by all departments represented on the Staff Coordinating Committee including, Transportation, Operations and Environment, Planning and Development, Finance and Corporate Services, Economic Development, Community Services, and Social and Public Health.

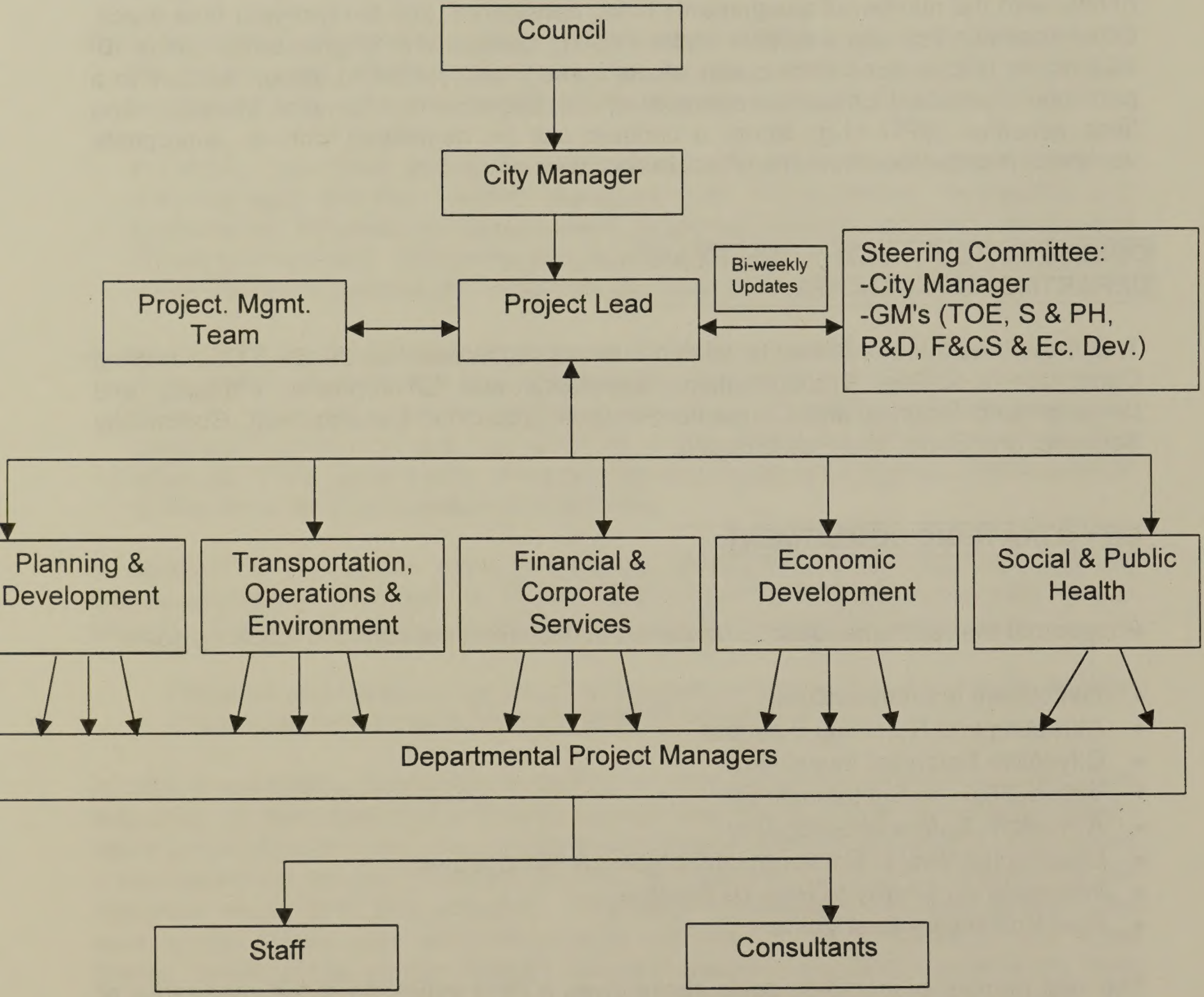
CITY STRATEGIC COMMITMENT:

Adoption of the recommendations contained in this report supports the following goals.

- Investment in Infrastructure
- Attracting and Retaining Business
- City-Wide Balanced Investment
- Vision 2020 – A Sustainable City
- A Healthy, Safe and Green City
- Leading the Way in Environmental Studies & Management
- Improving Air Quality to Help Us Breathe
- Best Practices – Best Value

The vast number of identified goals above gives a clear indication of the importance of the G.R.I.D.S. process in regard to implementing our Strategic Commitment.

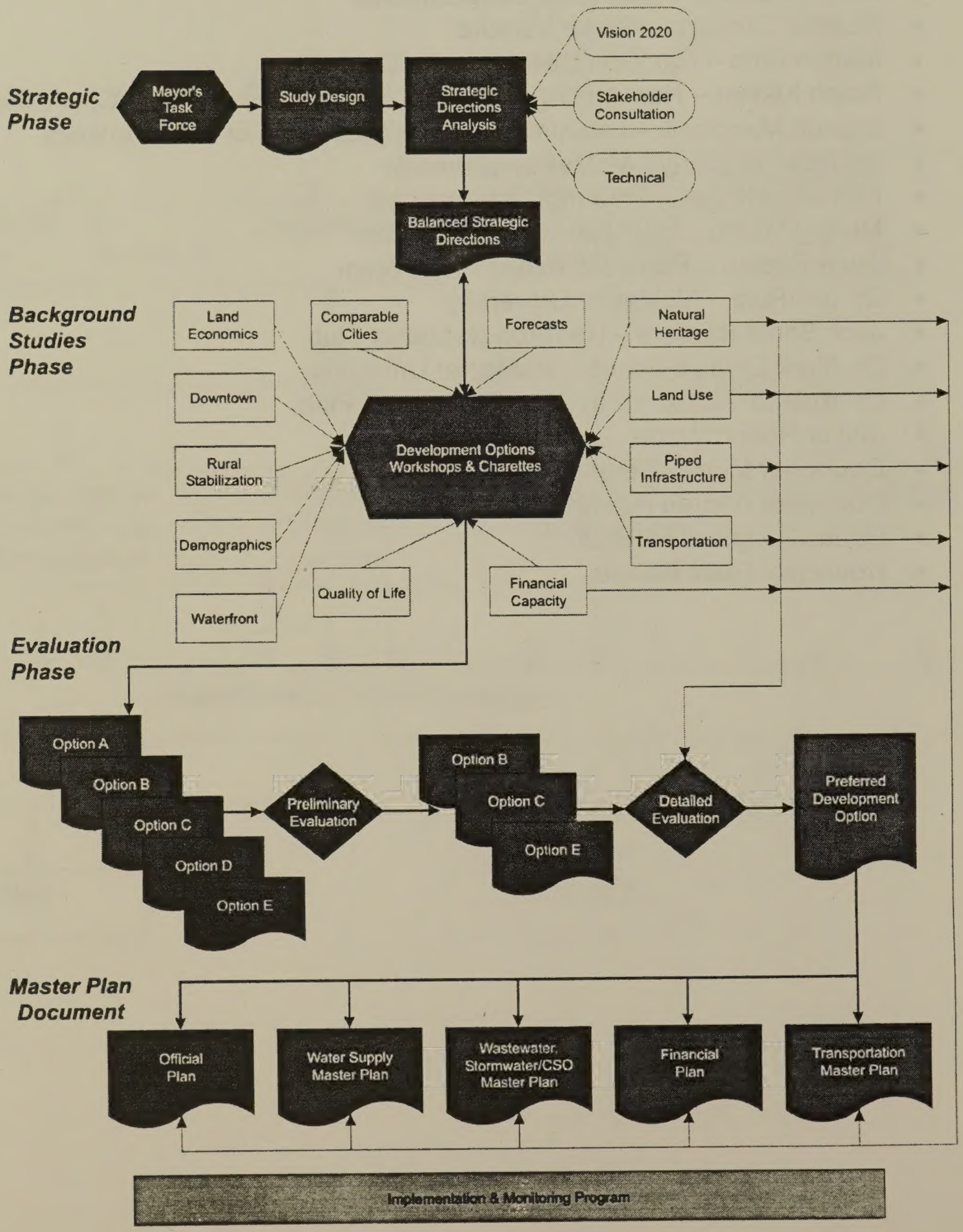
G.R.I.D.S. Project Organizational Chart
Fig. 1.0


Council
City Manager
Project. Mgmt. Team
Project Lead
Bi-weekly Updates
Steering Committee:
-City Manager
-GM's (TOE, S & PH, P&D, F&CS & Ec. Dev.)
Planning & Development
Transportation, Operations & Environment
Financial & Corporate Services
Economic Development
Social & Public Health
Departmental Project Managers
Staff
Consultants

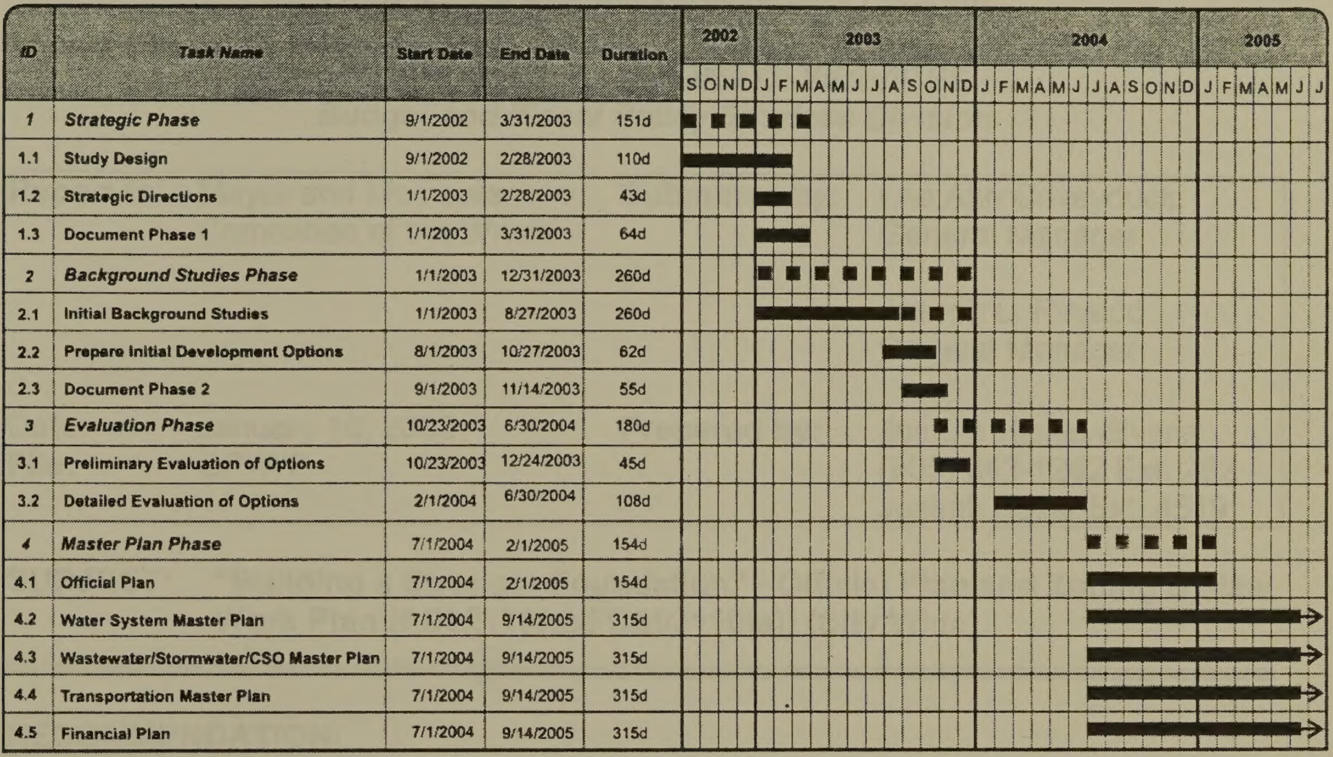
MAYOR'S TASK FORCE MEMBERS
Appendix "A"

- Shawn Chamberlin – Light Computers
- Bob Chambers – Bank of Montreal
- Aldo De Santis – Multi Area Developments
- Heather Donison – Green Venture
- Marion Emo – Hamilton District Health Council
- Ralph Kikkert – Hamilton Agricultural & Rural Affairs Advisory Committee
- Joseph Mancinelli – Labourers' International Union of North America
- Dr. Brian McCarry - McMaster University
- Kenneth Mitchell - TradePort International
- Murray Martin – Hamilton Health Sciences
- Anne Redish – Remedial Action Plan Forum
- Dr. Jim Rice – McMaster University
- Jack Santa Barbara – Hamilton Naturalist Club
- Dr. Mark Sproule-Jones – McMaster University
- Dr. Roland Weiller – Bay Area Restoration Plan
- Mayor Robert Wade
- Councillor Murray Ferguson
- Councillor Andrea Horwath
- Councillor David Mitchell
- Councillor Russ Powers

G.R.I.D.S PROCESS FLOW CHART
Appendix "B"


Strategic Phase
Mayor's Task Force
Study Design
Strategic Directions Analysis
Vision 2020
Stakeholder Consultation
Technical
Balanced Strategic Directions
Background Studies Phase
Land Economics
Comparable Cities
Forecasts
Natural Heritage
Downtown
Land Use
Development Options Workshops & Charettes
Rural Stabilization
Piped Infrastructure
Demographics
Transportation
Waterfront
Quality of Life
Financial Capacity
Evaluation Phase
Option A
Option B
Option C
Option D
Option E
Preliminary Evaluation
Option B
Option C
Option E
Detailed Evaluation
Preferred Development Option
Master Plan Document
Official Plan
Water Supply Master Plan
Wastewater, Stormwater/CSO Master Plan
Financial Plan
Transportation Master Plan
Implementation & Monitoring Program

G.R.I.D.S. PRELIMINARY 2 YEAR SCHEDULE
Appendix "C"



ID	Task Name	Start Date	End Date	Duration
1	***Strategic Phase***	9/1/2002	3/31/2003	151d
1.1	**Study Design**	9/1/2002	2/28/2003	110d
1.2	**Strategic Directions**	1/1/2003	2/28/2003	43d
1.3	**Document Phase 1**	1/1/2003	3/31/2003	64d
2	***Background Studies Phase***	1/1/2003	12/31/2003	260d
2.1	**Initial Background Studies**	1/1/2003	8/27/2003	260d
2.2	**Prepare Initial Development Options**	8/1/2003	10/27/2003	62d
2.3	**Document Phase 2**	9/1/2003	11/14/2003	55d
3	***Evaluation Phase***	10/23/2003	6/30/2004	180d
3.1	**Preliminary Evaluation of Options**	10/23/2003	12/24/2003	45d
3.2	**Detailed Evaluation of Options**	2/1/2004	6/30/2004	108d
4	***Master Plan Phase***	7/1/2004	2/1/2005	154d
4.1	**Official Plan**	7/1/2004	2/1/2005	154d
4.2	**Water System Master Plan**	7/1/2004	9/14/2005	315d
4.3	**Wastewater/Stormwater/CSO Master Plan**	7/1/2004	9/14/2005	315d
4.4	**Transportation Master Plan**	7/1/2004	9/14/2005	315d
4.5	**Financial Plan**	7/1/2004	9/14/2005	315d

2002
2003
2004
2005
S O N D J F M A M J J A S O N D J F M A M J J A S O N D J F M A M J J

DILLON
CONSULTING

G.R.I.D.S. Preliminary 2 Year Schedule
Appendix 2.0

December 12, 2002

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

5.2

PLANNING AND DEVELOPMENT DEPARTMENT
Long Range Planning and Design Division

FINANCE AND CORPORATE SERVICES
Budget and Fiscal Policy Services Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager Joseph L. Rinaldo General Manager
Date: **File:**	January 16, 2003 OP-WP	**Prepared by:**	Joanne Hickey-Evans (905) 643-1262 Ext. 282 Joseph Spiler Ext. 4519

SUBJECT: **"Building a Stronger Foundation" - Official Plan and Zoning By-law Work Plan (PD02179(a)/FCS02110(a)) (City Wide)**

RECOMMENDATION:

a) That Council adopt the Strategy proposed in Report PD02179(a)/FCS02110(a) respecting the Official Plan (OP) and Zoning By-law Work Plan.

b) That the $5.3 million in unfunded monies for a 2-year project, to complete a "high level" Official Plan, with some detailed policy formulation and zoning for specific subject areas, be referred to the 2003 Budget process.

c) That staff of the Long Range Planning and Design Division of the Planning and Development Department prepare an annual report to Council on the status of the priority tasks identified established in Report PD0200179(a)/FCS02110(a) and to reaffirm the priorities for the upcoming year.

LeeAnn Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

Joseph Rinaldo

Joseph L. Rinaldo
General Manager
Finance and Corporate Services Department

EXECUTIVE SUMMARY:

The purpose of this Report is to provide Council with:

- an overview as to how the Official Plan and Zoning By-law Work Program will be undertaken for a program of 2-year and 5-year duration (i.e. methodology, priorities, etc.); and,
- the cost, timing and resources required to complete the project for a 2-year and 5-year program.

Work Program
The creation of one new Official Plan (OP) and Zoning By-law is a task of immense and of complicated proportions. It is not simply a matter of consolidating the text and regulations of the former municipalities or choosing the "best of the bunch". Significant work is required in strategic areas to update planning policy to address the Provincial Policy Statement (PPS) and the needs of the 21st century or to restructure conflicting regulations to make sense for a single municipality.

This report describes the scope and content of a reform program for either a 2-year or a 5-year duration. Much of the background information, technical research, staff and consulting resources required for Official Plan Reform are directly tied to the Growth-Related Integrated Development Strategy (GRIDS). GRIDS is a "high level growth" analysis that will determine how much and where the future growth of the City will take place over the next 30+ years. GRIDS focuses on "high-level" policy components of the OP dealing with the urban boundary and urban structure. **Council's decision on the scope and timing of GRIDS will directly impact the option selected for OP/Zoning Reform, especially for a 2-year program.**

No matter which timing option is selected, the Planning Act requires that final Official Plan and Zoning documents to be subject to full public notification and statutory appeal. Experience throughout Ontario confirms that without a solid foundation of research and community consultation, such major reforms are extremely difficult and very expensive to defend before the Ontario Municipal Board. Both GRIDS and the OP Reform process will generate community debate on the fundamental direction of planning for the City's future.

The City of Hamilton's land-related planning data are very poorly developed in comparison with similar Ontario jurisdictions. Much of the information needed for OP/Zoning Reform is outdated or non-existent. Large-scale efforts in data collection and original research (i.e. land use and building inventories, small area growth forecasts) must precede efforts to build defensible new policies/regulations.

Priorities
The 2-year option presents added costs and a reduced scope of service output because City staff and consultants must be applied to a more intensive process of data collection and research than in the 5-year option. The approach and depth of public consultation is also reduced under the 2-year option. Zoning reform would be limited to the highest priority, strategic issues (i.e., industrial business parks) under the 2-year option, whereas it would be updated comprehensively under the 5-year option.

Given limited number of experienced staff to manage consultants and reconcile complex issues presented by old and new policy, the need for extensive background research, etc.; not all tasks can be started or completed simultaneously. For a 2-year option, Official Plan and Zoning Reform staff and extra budget provisions are still needed in years 3-5 to address many of the "loose ends" left from a focused program of reform (e.g., rural settlements). This report defines when the major tasks will be started and the length of time required for each.

The timing criteria used for the *5-Year Option* include (in order of importance):

- the timing of Corporate or Provincial initiatives affecting the issue;
- the work programs and commitments by other City Departments;
- the background information required (i.e. land use inventory); and,
- the degree to which the policies and regulations are outdated.

The timing criteria used for the *2-Year Option* include (in order of importance):

- timing/scope of related work that can realistically be accomplished concurrent with a 2-year GRIDS Program;
- the background information required (i.e. land use inventory);
- the degree to which the policies and regulations are outdated; and,
- opportunities to significantly reduce or delay non-core policy and zoning reforms.

A 2-year Program will deliver a new "high-level" Official Plan similar to the new Official Plans recently adopted in the City of Toronto or the City of Ottawa. It will provide strategic directions for community growth, stability or renewal as determined through GRIDS. In addition, a limited number of housekeeping amendments to current Area Municipal Official Plans. With respect to the Zoning By-laws, the first stage of a new comprehensive Zoning By-law will detail the structure, definitions and general provisions as detailed in Table 1. Further, housekeeping amendments for key hot spots will be undertaken on an as needed basis for existing Zoning By-laws.

Cost, Timing, Resources
The cost of a 5-year project is $5.985 million over the 2003-2008 period. The cost of a 2-year project is $7.445 million over the same period. The majority of the project is proposed to be funded from previously approved Transition Board monies, existing Capital accounts and development charges. In addition, $2.76 million (2-year) or $965,000 (5-year) would be funded from the Capital levy and $325,000 from reserves.

(refer Tables 3 and 3a). The additional cost associated with the 2-year Option is the increase in the number of consultants required to complete the data collection, background research, policy and Zoning By-law regulations within a compressed time frame.

Additional temporary staff for various Departments will be required and funded by this project.

BACKGROUND:

1.0 CURRENT PLANNING DOCUMENTS

The City of Hamilton now has seven Official Plans – the Regional Official Plan (finally approved in 1995), the former Towns of Ancaster (1984), Dundas (2000) and Flamborough (1988), Township of Glanbrook (1985), the City of Hamilton (1982) and Stoney Creek (1986). Prior to amalgamation, Hamilton, Flamborough, Ancaster and Stoney Creek were undertaking 5-year reviews, although none were completed.

The Area Municipal and Regional OPs have different foci. The Regional Official Plan (ROP) provides the broad policy direction for strategic issues that require consistent application across the entire municipality. Examples include urban boundaries, arterial roads, environmentally significant areas, servicing policies, etc. Its land use designations are very general in nature– rural, urban, business park, etc. with the Area Municipal plans and by-laws providing further detail and regulatory precision.

The area municipal OPs have more refined land use designations and policies for various forms of residential, commercial, open space, industrial, etc. that implement Regional policy as well as providing "issue" specific guidance – noise, affordable housing, parks and recreation, etc. Within some of the local OPs are Secondary Plans[1], which establish very detailed policies for neighbourhoods and unusual site conditions.

Each of the former municipalities has Zoning By-laws, which vary in age, type, number of zoning districts and performance standard details. Combined, there are 205 zoning districts with differing regulatory objectives. Some of the existing zoning standards do not conform to the land use designations and policies of Regional or Area Municipal OPs. This can result in new, "as-of-right" development that contradicts approved planning objectives of the municipality.

2.0 OFFICIAL PLAN AND ZONING BY-LAW REFORM PROCESS

Given the diversity of the existing documents, the array of potential new planning directions, the age of the documents and their degree of agreement or conflict, it is not possible to simply consolidate them or cherry pick the "best" components into one new Official Plan or Zoning By-law.

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[1] Secondary Plans are amendments to the parent Official Plan for a smaller geographic area. The policies and land use designations expand on the principles established in the main OP.

Furthermore, the Planning Act requires that all municipal Official Plans and Zoning By-law must have regard to the Provincial Policy Statement. In the process of general reform of these parent documents this statutory obligation must be seriously addressed. All decision outcomes must potentially be defended at the Ontario Municipal Board (OMB) in reference to the PPS when appeals are launched.

For example, there are existing policies/regulations that:

- **do not implement the Provincial Policy Statement (PPS):** Rural area policies do not identify non-prime agricultural land nor are land severance policies are in line with PPS expectations. Prior to updating the rural policies and zoning, the City must undertake an extensive Land Evaluation and Area Rating (LEAR) Study to clearly delineate prime from non-prime agricultural lands.

- **do not reflect the needs of the new municipality:** Today's commercial designations and zoning policies are based on six former municipalities' priorities for commercial uses. The specific designations and regulations are not consistent (i.e. local shopping, highway commercial, and shopping centres, etc.). Partial research indicates the total amount of commercially land zoned in the City may greatly exceed what is reasonable to expect for development over the next twenty to thirty years. This situation can seriously distort urban structure objectives and transportation planning programs, not to mention undermine efforts for proactive planning of retail services.

- **are outdated, inconsistent or conflict with each other:** There are a large number of zoning definitions and provisions. In some cases, the permitted uses and standards within similar zoning districts differ dramatically for exactly the same development.

Notwithstanding, there are components of the existing documents that are very "progressive". It is important to build on those strong foundations that already exist. For example:

- The City has committed to a nationally-acclaimed Vision 2020 Program and Council's Mission, Vision, Values and Goals.

- The Dundas Official Plan, which was approved in 2000, reflects the great majority of that community's needs and requirements at this time;

- The Stoney Creek OP includes very progressive policies for planning open space and natural areas; and,

- The Hamilton Downtown Secondary Plan and the Olde Towne Secondary Plan for Stoney Creek are examples of very innovative approaches to such issues as urban design, mixed land uses, etc. in core area districts.

The Department will be reviewing, evaluating and changing only those policies/regulations that need to be updated. The most expeditious and cost effective approach is to segment work on an issue by issue basis. An example of this approach would be the review of all industrial land uses at the same time. Deliverables would include, new OP industrial policies, new secondary plan designations for selected business parks (if necessary), creation of new zoning districts and their application on a property by property basis.

Priorities must be set. There are numerous and complex issues to be addressed. It is not reasonable to expect they will be all undertaken together given the scope of the tasks and available staff and financing resources. These priorities are based on a set of criteria including problematic policies/regulations; immediate corporate strategic projects/priorities; need for background information; etc. Section 3.0 identifies these factors in greater detail and establishes the time frame for the OP and Zoning By-law review process.

2.1 HOW DOES THE OFFICIAL PLAN/ZONING BY-LAW PROCESS FIT WITH OTHER CORPORATE/PROVINCIAL INITIATIVES?

2.1.1 Growth Related Integrated Development Strategy

GRIDS, the Growth Related Integrated Development Strategy for the City of Hamilton, is a "high level growth" policy process to determine how much and where the future growth of the City will take place over the next 30+ years. GRIDS will identify where and how the broad nature and scale of growth will occur. GRIDS will also develop financing and implementation strategies for growth-related infrastructure (i.e. roads, transit, sewers, watermains, etc.) to be built in future as well as establishing the plans their implementation in a predictable manner.

The Terms of Reference for GRIDS identify the need to adopt key strategic directions that will be the foundation for and provide the rationale for the future growth patterns, in Hamilton.

Strategic Directions are detailed objectives and actions that will guide the City in the development of its long term growth plans (i.e. GRIDS, the new OP, the Social Vision, etc.). **Strategic Directions are necessary.** They are the backdrop or the "link" between the long term principles and goals and the adoption of corporate policies and programs. These "strategic directions" will be based on principles or vision of Hamilton by the year 2030.

Where are we now?

Hamilton has established the foundation for the strategic directions through their commitment to *Vision 2020* and Council's Mission, Vision, Values and Goals. Hamilton is recognised as a "sustainable community" These goals/principles centre on three key themes:

- economic prosperity (economic)
- environmental enhancement (environment)
- healthy, safe, vibrant city (social)

The Mayor's Task Force supports the need to develop strategic directions that promote a sustainable community yet find a 'sense of balance' between the three theme areas.

Vision 2020 and Council's Mission, Vision, Values and Goals encompass a wide range of issues that are not necessarily applicable to GRIDS, the new OP or other municipal growth plans. Further, these City's goals have not been developed thoroughly enough for specific growth patterns, transportation and servicing plans, financial commitments and other Corporate Programs.

Where do we go from here?

Vision 2020, developed in 1992, is still a valid reflection of community values and the fundamental principles of sustainability. However, certain elements need to be updated to the context of the "new" City and extended to reflect a planning and infrastructure horizon for the next thirty years. This will occur during the regular 5-year review/renewal of *Vision 2020*, which begins in 2003 and is expected to be completed within a year

Notwithstanding the *Vision 2020* renewal process, the development of our strategic directions can proceed immediately. The first step is to take the principles/goals the City has committed to and identify those goals have a land use, economic development and infrastructure focus. These principles will be further expanded to develop a comprehensive set of "strategic directions" including both strategies and actions that can be used as the basis for the development of OP, infrastructure, economic development fiscal policies.. This concept is illustrated below:

Principle: **A City of Growth and Opportunity (Growing Hamilton's Economy)**

	STRATEGY	ACTIONS/DELIVERABLES
Economic Focus	1. enhance viability of existing employment areas	1. identify undeveloped parcels of land and determine the suitability of lands for development through the completion of a detailed land use inventory of industrial areas
	2. create new employment areas in strategic locations to enhance employment opportunities throughout the City	2. develop a municipal infrastructure plan to service lands currently designated for employment
	3. enhance the rural economy	3. identify lands to be used for agricultural purposes and those lands that can accommodate other rural activities (i.e. greenhouses) through the completion of the land evaluation area review study
Environmental Focus	1. promote brownfield	1. identify all contaminated sites in the

	redevelopment	City and assess the redevelopment potential relative to current OP and zoning.
Social Focus	1. create more opportunities for home-based businesses	1. develop a new OP Policy which allows for home-based business provided certain criteria are met (i.e. impact on neighbourhood, amount of traffic generated, impact on streetscape, etc.)
	2. develop more co-ordinated and cost effective transportation networks to facilitate movement of people between work and home	2. review the transit service in existing employment areas for the purpose of maximizing ridership
	3. minimize impacts of employment areas on adjacent residential uses	3. develop long-term transit plans for emerging employment areas that have been targeted by Council (i.e. the Airport)

How does the Official Plan link with GRIDS?

As part of the GRIDS process, a "high" level Official Plan will be developed. similar to the new Official Plans recently adopted in the City of Toronto or the City of Ottawa. It will determine the urban structure (i.e. generalized land use distribution and pattern, transportation corridors), provide a policy framework for community growth, stability or renewal as determined through GRIDS. In addition, a limited number of comprehensive amendments to current Area Municipal Official Plans and Zoning By-laws would be achieved to bring consistency and/or new direction to planning in a few key areas. (see Appendix A to Report PD02179(a)/FCS02110(a)).

2.1.2 *Other Corporate/Provincial Initiatives*

There are several Corporate and Provincial initiatives currently underway that impact both the Official Plan and Zoning By-law Work Program:

- Parks, Culture and Recreation Master Plan;
- Economic Development Strategy;
- Industrial Business Park Review;
- Social Development Framework; and,
- Provincial Policy Statement.

A detailed explanation of each of these initiatives are contained in Appendix B to Report PD02179(a)/FCS02110(a).

3.0 WHERE DO WE BEGIN?

Whether the municipality pursues reform on a 2 or 5-year timeframe, an issue-based program involves a balanced assessment of the City's needs versus its desires for improved policy and regulatory direction.

A 5-year reform program provides the time for staff, consultants, the public and Council to examine a wide range of issues in detail. It supports a final product that matches conventional expectations for a single Official Plan and Zoning By-law to replace today's multiple documents.

The 60% reduction in time associated with a 2-year program cannot be addressed by "peddling faster". Both the number and scope of reform issues in a 2-year program have to be more focused and the final products oriented to gradual transition from multiple planning documents to single documents rather than replace them all at once. Some will have entirely new, uniform content in key areas (i.e. industrial). Some will have large "chunks" of outdated or conflicting policies/regulations deleted or revised to address a new common format. Others will see a continuation of existing policy/regulations, which are working well or involve matters where immediate reform is not essential.

In addition, a limited number of comprehensive amendments to current Area Municipal Official Plans and Zoning by-laws would be achieved to bring consistency and/or new direction to planning in a few key areas.

TABLE 1

TASK	5 YEARS	2 YEARS
Rural		
LEAR	●	●
Severance Policy	●	
Rural Residential	●	
Golf Courses	●	
Mineral Aggregates	●	
Agricultural Zoning	●	● partial
Other Zoning Districts		
Urban		
Open Space and Parks		
OP	●	●
Zoning	●	●
Downtown Zoning	●	●
Development Permit System	●	●
Industrial		
Industrial Business Park		
OP (including urban design)	●	●
Zoning	●	●
Other Industrial Areas		
Land Use Inventory	●	
OP	●	
Zoning	●	
Commercial		
Land Use Inventory	●	●
Commercial Market Analysis	●	
OP	●	● partial
Zoning		
Interim Urban Boundary	●	●
Long-Term Urban Boundary	●	●
Zoning By-law		
General Provisions	●	● partial
Definitions	●	● partial

Task	**5 years**	**2 years**
Parking Regulations	●	● partial
Sign By-law Reform	●	●
Residential		
OP	●	● partial
Zoning	●	● partial
Institutional		
Land Use Inventory	●	
OP	●	
Zoning	●	
Utilities		
Land Use Inventory	●	
OP	●	
Zoning	●	
Infrastructure		
OP	●	●
Environmental Issues		
Noise and Vibration	●	●
Brownfields/Greyfields	●	●
Landfill Constraint Areas	●	
Implementation Policies		
Planning Act Requirements	●	
Public Notification	●	
OP Interpretation	●	

The following paragraphs provide a general overview of policy and zoning issues that staff consider important components of the overall reform process. The basic explanation presumes a 5-year program. Changes to the priority, scope and content addressed in a 2-year program are discussed separately in a subheading for each component.

3.1 Rural Policies

A thorough rural policy review is required because:

- current Regional and Area Municipal policies are severely outdated;

- significant background studies involving the construction of a major new data base must be undertaken prior to policy formulation; and,
- information provided by background studies is considered to be a key input for the Mid-Peninsula Transportation Corridor Environmental Assessment.

Current rural policies do not reflect normal planning practice in Ontario. Inherent flaws include a lack of protection for prime agricultural lands (which has led to severe property fragmentation and inappropriate development in several areas) and non-farm development policies that support privately-serviced development at densities and locations that do not reflect environmental constraints.

To respond to the Provincial Policy Statement prior to updating these policies, the City must undertake a Land Evaluation and Area Review (LEAR) Study. The purpose of this study is to identify viable agricultural resources and industry in Hamilton in line with the priorities of the Economic Development Strategy and Council's Mission, Vision and Values. Based on local knowledge and community input, this study will delineate prime and non-prime agricultural areas within the City of Hamilton. This will support a new agricultural land use, zoning and severance policy in accordance with the Provincial Policy Statement. The study will take approximately eighteen months and requires significant new research and stakeholder input. Results of the LEAR will be important to background research for the Mid-Peninsula Transportation Corridor Environmental Assessment. A Mid-Pen Expressway would greatly influence the City's long-term rural growth potential just as it would its urban potential.

There has been continuing pressure to allow a relaxation of non-farm development policies in the rural area. This includes rural non-farm severance standards and the expansion or creation of commercial, institutional and adult lifestyle communities around existing and future golf courses or Rural Settlement Areas.

Of fundamental concern in such matters are the environmental and risk management impacts of existing and new private service systems developed in close proximity. Major new Provincial directives concerning the protection of drinking water for existing users and the completion of watershed protection studies prior to future land use changes have been identified by the O'Connor Report on Walkerton. Research has indicated that private service systems carry a high potential for failure and can present a risk to human health in some geological environments or at inappropriate densities. The Transportation, Operations and Environment Department will be undertaking a study on rural servicing, the results of which will form the backbone for OP rural non-farm policy formulation. At the present time, the City does not have a proactive policy on communal or private service systems for rural areas.

5 Year Program Option: Under the five year program, all the tasks identified above will be completed.
Timing: November 2002 - June 2004

2-Year Program Option: This component would be limited to the LEAR Study, severance policy and zoning update of agricultural lands. Official Plan and zoning reforms would address only those parts of the rural area deemed to be viable, long-term agricultural districts. The lack of direction/clarity on major new Provincial policy and regulatory reforms recommended by the O'Connor Report precludes a short-term commitment to reform non-farm Rural and Rural Settlement Area policy/zoning issues, despite their significance to long-term planning. Due to the short time line a management consultant will be required to manage the LEAR Study for a total cost of $325,000.
Timing: March 2003-March 2005

3.1.1 Open Space/Park Zoning

5 Year Program Option: It is anticipated this project would start in early 2003. The City has completed its Culture, Recreation and Parks Master Plan. The implementation of the Plan is underway. Further, a review of the parkland dedication policies is being undertaken. In addition, there is an outstanding Zoning By-law objection relating to City initiatives allowing community and recreation facilities within established parkland. The objection surrounds the historical issue of recreational facilities being built in parks in the former City of Hamilton.
Timing: January 2003 - March 2004

2 -Year Program Option: No change in content or priority.

3.1.2 Downtown Zoning and Development Permit System

5 Year Program Option: Both the Downtown Secondary Plan and Provincial regulations required to proceed on the Development Permit System are in place. The Downtown Renewal Division is spearheading this task. A portion of the funding for this project is included in a separate 2003 Capital budget submission for the downtown.
Timing: March 2003 – March 2004

2-Year Program Option: No change in content or priority

3.1.3 Interim Urban Boundary Adjustment

5 Year Program Option: At its meeting of July 10, 2002, City Council approved the interim urban expansion strategy. One of the major components of this strategy is to complete the necessary studies required to evaluate the potential for expanding the urban boundary in the Stoney Creek area. These studies include agriculture assessment, review of existing infrastructure and financial impact studies
Timing: July 2002 - March 2003

2-Year Program Option: No change in content or priority.

3.1.4 *Industrial Policy Review*

5 Year Program Option: Building on the background information from the Industrial Business Park Review and the Waste Management Study, remaining OP policies and zoning regulations will be updated to support Council's strategic directions.
Timing: *October 2003 - March 2005*

2-Year Program Option: Official Plan and Zoning reforms would be scoped to address future Industrial Business Park development primarily for major vacant areas. New site plan policies and regulatory reforms to achieve a higher quality of "view from the street" building and landscape design would be developed. Policy direction for the mitigation of land use conflicts between future industrial and neighbouring residential uses, and long-term infrastructure financing would be also addressed.

3.1.5 *Natural Heritage Policies*

5 Year Program Option: One of the principal mandates of the Long Range Planning and Design Division is natural heritage planning. The current work program includes the development and review of OP policies as it relates to natural heritage planning. This project will span a few years. There is an immediate need to update mapping and the ESA criteria whereas the remaining policy framework can be reviewed later. In addition, the zoning and site plan regulations established as part of the parks and open space zoning (Section 3.1.2 above) will be incorporated into this policy review.
Timing: *July 2002 - March 2005*

2-Year Program Option: No change in content or priority for the Official Plan policy updates. Zoning will focused on urban parks and open space components only.

3.1.6 Definitions and General Provisions – Zoning By-law

5 Year Program Option: As part of updating the By-law, the definitions and general provisions must be redefined and standardized to reflect new categories, uses, etc.
Timing: *January 2003 – December 2005*

2-Year Program Option: Focus on designing an new overall zoning structure and producing new definitions and general provision regulations for industrial, agricultural, parks/open space and downtown uses/districts only. Fast track reform of Sign By-law regulations (and some specialized zoning elements such as height exemptions) to simplify the former City of Hamilton by-law and standardize other Area Municipal zoning provisions.

3.2 Medium Term Priorities (Start 2004)

3.2.1 Residential/Housing Policy Review

5 Year Program Option: The updated housing policy review (*Housing Plan for Hamilton*) for the City will be in place by the end of 2003. Many of its findings will reflect in both the reforms of OP policies and Zoning By-law regulations associated with this land use.
Timing: January 2004 - June 2005

2-Year Program Option: Comprehensive Official Plan and zoning reforms would be focused on assisted housing and residential care policy issues.

Similar, but disconnected zoning and design standards were established by the former Area Municipalities for low-density residential (e.g., single to townhouse units) in developing suburban areas. Zoning by-law amendments will be introduced to address these issues and to support building industry needs.

3.2.2 Parking Regulations and Policies

5 Year Program Option: The purpose of this project is to establish consistent parking standards across the municipality and to develop strategies to address parking related issues, such as minimum landscaped requirements for residential front yards. The bulk of the land use policy directions have to be set before this component can proceed.
Timing: December 2004 - June 2005

2 Year Program Option: Reform would be tightly focussed on parking policies and standards for residential, industrial, parks/recreation and downtown districts only.

3.2.3 Institutional Policy Review

5 Year Program Option: The institutional policies and regulations are satisfactory at the present time but will continue to be challenged by evolving social, public health and educational service policies of the Province. Prior to starting this particular initiative, the land use inventory must be completed.
Timing: January 2004 - June 2005

2-Year Program Option: No policy or zoning reform activity would be undertaken.

3.3 Longer Term Priorities (Start 2005+)

3.3.1 Long Term Urban Boundary)

This issue is dependent on the outcome of GRIDS to define the overall magnitude of growth and the urban structure required to accommodate it.
Timing: Depends on GRIDS

2-Year Program Option: OP designations for long term urban boundaries are fundamentally tied to the long term urban structure and infrastructure servicing strategies of final GRIDS recommendations. This work can only be implemented at the end of GRIDS work program and may occur beyond a 24-month timeline.

3.3.2 Commercial Policy Review

5 Year Program Option: The location and role of planned commercial uses were independently established by former Area Municipalities with little consideration of their cumulative impact. The policy and regulatory framework for retail development is cumbersome and conflicting. Commercial policies and zoning by-law regulations are likely to require a major overhaul in light of trends in the retail industry and a suspected surplus of current built and vacant land supply for these uses. However, prior to starting this particular initiative, the land use inventory and the GRIDS urban structure concept is required. This project deals with the most litigious aspects of community planning and zoning policy. Its outcomes are almost certain to be appealed.
Timing: June 2004 - December 2005

2-Year Program Option: An intensive project to inventory built and vacant commercial land use would be undertaken to support fundamental research on the City's current retail structure versus future development trends in the local and regional retail market. Generalized commercial development strategies and designations would be formulated to support the preferred urban structure recommended by GRIDS. Long-term policies for the dealing with surplus/obsolete commercial space and non-viable vacant land will be dealt with as part of secondary planning and zoning exercises.

3.3.3 Utilities Policy Review

5 Year Program Option: Utility policies provide direction for pipelines, rail operations etc. Prior to starting this particular initiative, the land use inventory is required to be completed.
Timing: January 2005 - June 2005

2-Year Program Option: No policy or zoning reform work would be undertaken.

3.3.4 Infrastructure Policies

5 Year Program Option: As the various Master Plans for the infrastructure are completed by TOE, draft OP policies will be developed. The timing for these plans spans a three-year period.
Timing: January 2003 - September 2006

2-Year Program Option: General Official Plan policies only would be formulated to support the preferred urban structure recommended by GRIDS.

3.3.5 Environmental Issues

5 Year Program Option: This subject area encompasses OP policies on contaminated sites, noise and vibration among other things. These matters required detailed land use inventories to be completed to properly focus land use and zoning regulations.
Timing: January 2005 - August 2005

2-Year Program Option: A city-wide inventory of known or suspected brownfield properties would be completed. Updated OP policies and reformed zoning/site plan policies would be developed to support brownfield/greyfield renewal programs. General OP policies on air quality would be up-dated. Industrial and airport noise mitigation policies would be updated in association with industrial planning reforms outlined in Section 3.1.6, above.

3.3.6 Implementation of the OP

5 Year Program Option This particular task will consolidate the implementation sections for the OP, which deal with Planning Act regulations, etc.
Timing: January 2005 - August 2005

2-Year Program Option: This work would be focused only on reforms to those sections discussed above that undergo major revisions under the 2-year program.

3.3.7 GRIDS Policies

The completion of GRIDS will likely require some minor adjustments/modifications to recently adopted policies or standards.

2-Year Program Option: Scope and content of work depends on output of a 2-Year GRIDS Program option.

4.0 RESOURCES (Timing, Staffing and Costs)

4.1 Timing

The recommended project spans five years with a series of deliverables identified throughout this period. A two year program option has more focussed deliverables that preclude significant changes to some OP/Zoning provisions. Table 1 provides a graphic overview of the tasks identified in the 5-year and 2-year options discussed in Section 3.

4.2 Staffing

The completion of a new OP and Zoning By-law requires a significant commitment of staff from a variety of Departments to define and work with community interests. Arguably, this is the most critical element in this project. Without adequate resources and without community input this project will not be successful. Staff resources include staff of the Planning and Development Department and selected Divisions of other Departments.

The issue of current staff shortages in the Planning and Development and Development must be addressed for either the 5-year or 2-year program options. Staff turnover has been high in the last two years. A number of very experienced people have left with great knowledge of local documents and planning issues whom cannot be replaced. Compounding these issues is the shortage of experienced planners in the policy and research field across the Province. The City is competing with many other municipalities to recruit seasoned professionals. Experienced resources are fundamental for this project to proceed expeditiously, particularly for the 2-year option where the role of staff is focused on providing strategic direction and supervising the work of consultants.

4.2.1 Staff of the Planning and Development Department:

The OP and Zoning By-law Reform Section of the Long Range Planning and Design Division is managing this project. The complement includes one Manager, 2 senior planners, 4 planners, and 2 planning technicians. Other than the Manager, these are temporarily funded positions (i.e. length of the project).

a) 5-Year Program Option

A detailed work plan formulated for the 5-year program option indicates that in addition to the complement of the Official Plan and Zoning By-law reform section, additional Department staff will be required, primarily for input on regulatory (rather than policy) reform.

- OP and Zoning By-law Reform Section
  As noted above, this section has 2 Planning Technicians. The expertise of a GIS Technician who also has strength in graphic design is required. The proposal is to convert one of the Planning Technician positions to a GIS technician at a cost of approximately $25,000.

- Building and Licensing Division
  Staff with administrative expertise in the 6 Zoning By-laws is required for a 5-year period starting January 2003. The person will provide assistance in by-law interpretation, background research on specific properties, regulatory standards etc. The cost of this additional staff would be approximately $375,000.

- Development Division
  Staff contribution to this project from the Development Division is equivalent to 2 FTE per year for the 2-year program. In latter years, continued resources will be required. Their expertise will be required to provide background information in the area of development of policy (Provincial, Regional and Local) and administration, etc. The cost of additional staff would be approximately $350,000. Senior management of the Development Division will be involved with the development of the new Zoning By-law.

5 and 2-Year Option Staffing Recommendations

- Convert one of the Planning Technician positions to a GIS Technician (same salary grade) in the Official Plan and Zoning By-law Reform Section at a cost of $25,000
- Add one FTE to the Building and Licensing Division complement for a period of 5 years starting in 2003 at a cost of $375,000; and,
- Add two FTEs to the Development Division complement for the two and half year program starting in 2003 at a cost of $350,000. Additional staff resources will be required after that time.

b) 2-Year Program Option
A detailed work program for the 2-year option has not been formulated. Concurrent work priorities generated by a 2 year GRIDS and Official Plan/Zoning program will fall primarily upon the staff of the Official Plan and Zoning Reform Section. The role of other divisions will intensify, particularly for data research and collection purposes. The Director of Development will take the lead in the design of the structure of the Zoning By-law.

4.2.2 *Staff from other City Departments*

Staff of several Departments is essential for this review, in terms of both expertise and providing background information. Two of the most significant are the Infrastructure and Environmental Planning Division from TOE and Legal Services. The amount of resources necessary from each Department will evolve over the life of the project depending on when a task is to start and finish. This report and the work plan have been circulated to the various Departments for their input. The timing of tasks requiring their input will be integrated as part of their mandates and work priorities.

5-Year Program Option: No additional staffing will be required.

Infrastructure and Environmental Planning Division (TOE Department)
In addition to ongoing and proposed master infrastructure planning initiatives, it is expected this OP and Zoning By-Law project will require approximately $10,000 per annum (value of staff time) over the length of the project. No additional FTEs are required.

Legal Services Division (Finance and Corporate Services Department)
Legal Services requires 0.25 FTE per annum over the length of the project. This additional work will be accommodated within the existing complement.

Finance and Corporate Services Department
It is expected this project will required approximately $10,000 per annum (value of staff time) over the length of the project. No additional FTEs are required.

2-Year Program Option:

More intensive participation of other City staff in a 2-year option raises serious concern that day-to-day work priorities of their "home" departments will dilute the level of commitment, which an aggressive work plan requires. A general provision of $115,000 is recommended to support the cost of "back-filling" key staff or hiring consultants/outside counsel in critical time periods to minimize the impact of the 2-year option on the on-going operations of these departments.

In addition, there will be a much greater reliance on consultants to design, collect and input data for a number of land-related data sets of great importance to the City's GIS services. Close supervision and technical direction for these external contractors from the Finance and Corporate Services Department will be critical.

A senior GIS project management position and technical support equipment will be required at a cost of $200,000 over 2 years.

4.3 Consultants

Consultants will be brought on as needed, either for their particular area of expertise or if City staff is not available to complete that task on a timely basis. A 2-year option places significantly greater reliance on consultants for basic information collection and analysis and to take a leadership role in public consultation activities.

4.4 Publications/Materials/Advertising

In addition to staffing and consultant costs, there are essential expenditures associated with public meetings, advertising and publications. A very critical element of this project is to ensure on-going dialogue with the community.

There will be many publications in the form of newsletters, discussion papers, reports and draft Official Plan and Zoning By-law documents that require wide distribution and publication. In a 2-year program, the entire approach for public consultation and notice must be merged or closely co-ordinated with the GRIDS Program. This may result in many non-traditional approaches (e.g., broadcasting, webcasting, internet chat room and virtual public meeting formats).

The costs accounted for in this section also include the statutory advertising (Planning Act) for public meetings and the informal newspaper inserts advertising public meetings, open houses, information centres etc. 2-year option does not alter these traditional public notice/appeal procedures.

A formal communication and public consultation strategy to implement the approved the GRIDS and OP Program will be forwarded to Council in 2003. The costs associated with this portion of the budget will be reviewed at that time.

4.5 Cost

Table 2 illustrates the major cost components of the 5-year Official Plan/Zoning Work Plan. The total cost ($5,985,000) of this corporate project has been budgeted over the five year period (2003 – 2007) as per Table 2. Funding for this project is comprised of Transition funding, other City reserves, Development charges, Capital redistribution of existing planning Capital studies/projects, and a new proposed annual Capital contribution for the period 2003 – 2007.

PROJECT COST BREAKDOWN		
Internal Staff Resources	5 YEAR PROGRAM	2-YEAR ACCELERATED PROGRAM
Costs of OP staff from Workplace	2,200,000	2,200,000
Long Range Planning and Design Division	150,000	270,000
Development Division	350,000	350,000
Building Division	375,000	375,000
Infrastructure Planning (TOE)	50,000	115,000
Finance	50,000	250,000
Legal Services	100,000	125,000
Subtotal	**3,275,000**	**3,685,000**
Consultants		
Vision 2020		150,000
Commercial Policy Review	250,000	500,000
Land Evaluation Area Rating (LEAR)	200,000	325,000
Open Space and Parks	-	125,000
Parking	80,000	80,000
Golf Course in Rural Areas	80,000	80,000
Rural Residential Development (estate, RSA's)	100,000	100,000
Environmental Research	-	200,000
Zoning Research	500,000	500,000
Additional OP work	450,000	650,000
Subtotal	**1,660,000**	**2,710,000**
Other		
Publications / Materials	550,000	550,000
Advertisements	500,000	500,000
Subtotal	**1,050,000**	**1,050,000**
2003 - 2007 Budgeted Costs Grand Total	**5,985,000**	**7,445,000**

The costs attributed to other Long Range Planning and Design Division staff (outside the OP and Zoning By-law Reform Section), the TOE Department, Finance Division, IT Services Division and Legal Services not specified in this report are deemed part of their existing mandate/work program. In the 2-year program, however, additional monies are set aside for intensive information technology support as well as either backfilling or hiring of outside counsel. **As noted on several occasions, all the work required to develop the new OP and Zoning By-law cannot be fully completed in 2 years; however, priorities have been shifted and certain areas accelerated to complete a major portion of the OP/ZBL Work Program in this time frame. In this regard Table 1 includes all the costs for the total program under the heading of 2 years.**

4.6 Sources of Funding

Table 3 and 3A illustrates the proposed sources of funding for the 5-year and 2-year Official Plan/Zoning By-Law and also lays out a proposed budgeted expenditure timetable.

TABLE 3
CITY OF HAMILTON - OFFICIAL PLAN / ZONING CAPITAL WORKS
FIVE YEAR EXPENDITURE / REVENUE SUMMARY

	2003 35%	2004 35%	2005 15%	2006 10%	2007 5%	Totals 100%
Expenditures	$ 2,094,750	$ 2,094,750	$ 897,750	$ 598,500	$ 299,250	$ 5,985,000
Funding						
Transition Funding	$ 626,500	$ 626,500	$ 268,500	$ 179,000	$ 89,500	$ 1,790,000
Other Reserves *	131,250	131,250	56,250	37,500	18,750	375,000
Transfer from Capital Projects	124,250	124,250	53,250	35,500	17,750	355,000
Development Charges	875,000	875,000	375,000	250,000	125,000	2,500,000
Capital Levy*	337,750	337,750	144,750	96,500	48,250	965,000
Totals	$ 2,094,750	$ 2,094,750	$ 897,750	$ 598,500	$ 299,250	$ 5,985,000

* To be reviewed and finalized in the 2003 Budget Submission

TABLE 3 (A)
CITY OF HAMILTON - OFFICIAL PLAN / ZONING CAPITAL WORKS
2 - YR ACCELERATED WORK PROGRAM EXPENDITURE / REVENUE SUMMARY

	2003 34%	2004 34%	2005 19%	2006 7%	2007 7%	Totals 100%
Expenditures	$ 2,500,000	$ 2,500,000	$ 1,400,000	$ 500,000	$ 545,000	$ 7,445,000
Funding						
Transition Funding	$ 601,075	$ 601,075	$ 336,602	$ 120,215	$ 131,034	$ 1,790,000
Other Reserves *	125,923	125,923	70,517	25,185	27,451	375,000
Transfer from Capital Projects	110,477	110,477	61,867	22,095	24,084	329,000
Development Charges	839,490	839,490	470,114	167,898	183,009	2,500,000
Capital Levy*	823,036	823,036	460,900	164,607	179,422	2,451,000
Totals	$ 2,500,000	$ 2,500,000	$ 1,400,000	$ 500,000	$ 545,000	$ 7,445,000

* To be reviewed and finalized in the 2003 Budget Submission

4.6.1 *Existing Capital Accounts (WIPS):*

Projected as at December 31, 2002, approximately $355,000 of unspent Capital funds is remaining in three previously approved City/Regional Planning Capital projects related to the Official Plan and Zoning By-law.

***4.6.2 Transition Board Funding Reserve*:**
Upon amalgamation the Transition Board allocated $1.79 million for this purpose. These funds remain unspent to date.

4.6.3. Development Charges:
This project is eligible for funding from Development Charges. Based on staff's projected five year collection and Development Charge reserve balance analysis, the recommended amount to be financed from development charges is $2.5 million. If additional revenues become available in the future, they would be allocated to the project.

4.6.4 Potential Sources of Funding:
There may be opportunities to secure funding from other levels of government. For example, the information/results from the LEAR (identification of prime/non-prime agricultural land) will be important input for the Mid-Peninsula Environmental Assessment being undertaken by the Ministry of Transportation. If sources of funds materialize, staff will redirect the corresponding contribution towards other capital projects in subsequent budgets.

ANALYSIS OF ALTERNATIVES:

Current approved funding levels are approximately 1/4 of that required for Official Plan updates and Zoning By-law reforms to be completed. Most of the approved funding would be used to hire consultants for those areas where staff do not have the required expertise.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial – Refer to pages 17-23.

Staffing – Refer to pages 17-23.

Legal – not applicable

POLICIES AFFECTING PROPOSAL:

The purpose of the Official Plan and Zoning By-law review is to update the existing policies and regulations within the current documents.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

This report has been prepared jointly with the Finance and Corporate Services Department. It was circulated to the Building Division, Legal Services Division, and Infrastructure and Environmental Planning Division (TOE Department) for input.

CITY STRATEGIC COMMITMENT:

The Work Plan for the OP and Zoning By-law review is intended to provide the vehicle to implement Council's Mission, Vision, Values and Goals, including Vision 2020.

CONCLUSION:

Based on the above, it is recommended that:

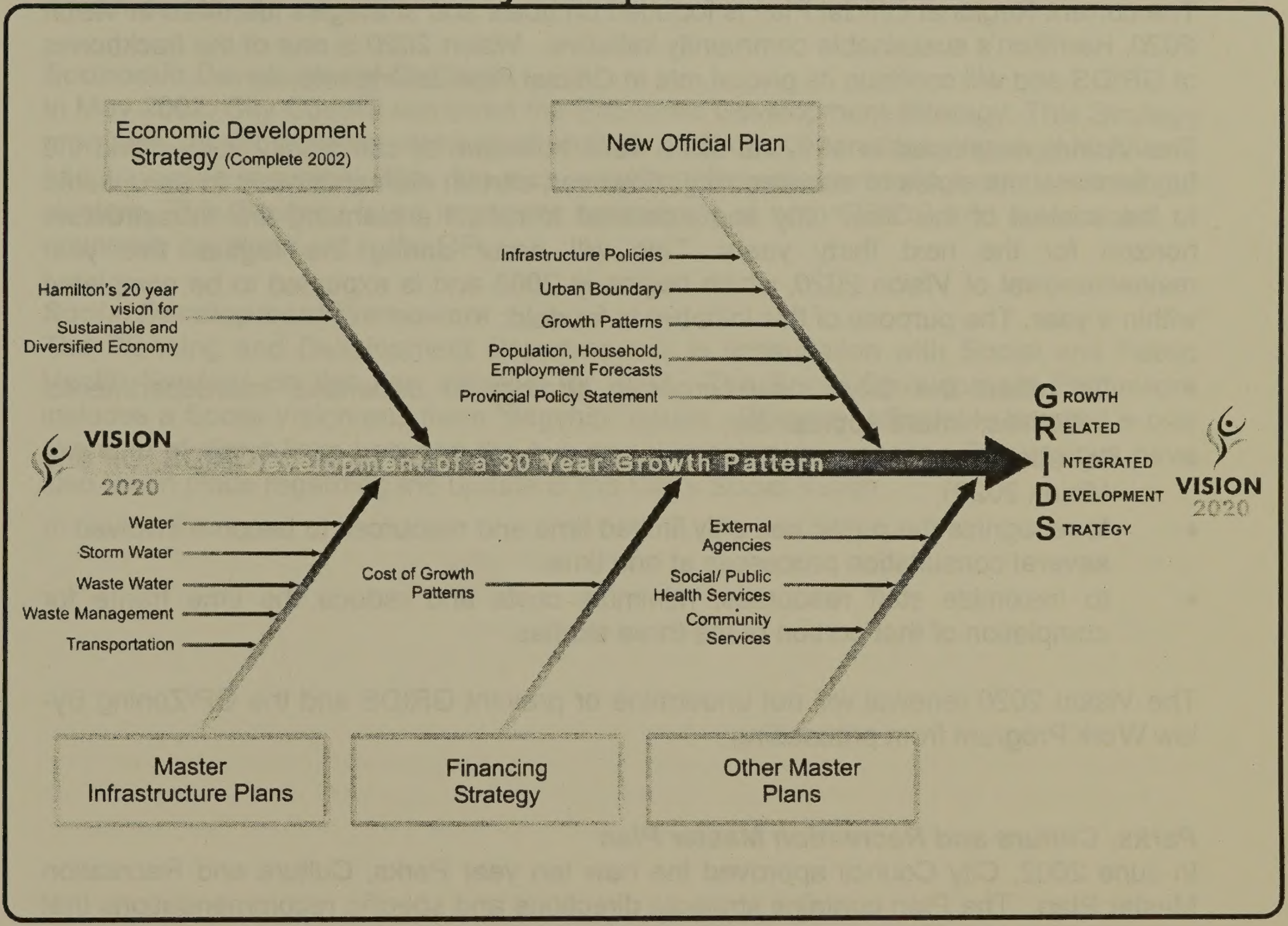
a) That Council adopt the Strategy proposed in Report PD02179(a)/FCS02110(a) respecting the Official Plan and Zoning By-law Work Plan.

b) That the $5.3 million in unfunded monies for a 2-year project, to complete a "high level" Official Plan, with some detailed policy formulation and zoning for specific subject areas, be referred to the 2003 budget process.

c) That staff of the Long Range Planning and Design Division of the Planning and Development Department prepare an annual report to Council on the status of the priority tasks identified established in Report PD0200179(a)/FS02110(a) and to reaffirm the priorities for the upcoming year.

:JHE
Attachs. (3)

The Study Components of GRIDS


Economic Development Strategy (Complete 2002)
New Official Plan
Hamilton's 20 year vision for Sustainable and Diversified Economy
Infrastructure Policies
Urban Boundary
Growth Patterns
Population, Household, Employment Forecasts
Provincial Policy Statement
VISION 2020
Development of a 30 Year Growth Pattern
GROWTH
RELATED
INTEGRATED
DEVELOPMENT
STRATEGY
VISION 2020
Water
Storm Water
Waste Water
Waste Management
Transportation
Cost of Growth Patterns
External Agencies
Social/ Public Health Services
Community Services
Master Infrastructure Plans
Financing Strategy
Other Master Plans

PROVINCIAL AND CORPORATE INITIATIVES THAT SUPPORT THE OFFICIAL PLAN WORK PLAN

Vision 2020 Five Year Review

The current Regional Official Plan is founded on goals and strategies identified in *Vision 2020*, Hamilton's sustainable community initiative. *Vision 2020* is one of the backbones of GRIDS and will continue its pivotal role in Official Plan/Zoning reform.

The Vision, developed in 1992, is still a valid reflection of community values and the fundamental principles of sustainability. However, certain elements need to be updated to the context of the "new" city and extended to reflect a planning and infrastructure horizon for the next thirty years. This will occur during the regular five year review/renewal of *Vision 2020*, which begins in 2003 and is expected to be completed within a year. The purpose of this initiative is fourfold:

- To reflect the City's new corporate strategy to undertake interdepartmental initiatives, where appropriate;
- to recognize the interrelationship between these three projects (GRIDS, OP and Vision 2020);
- to recognize the public has only limited time and resources to become involved in several consultation processes at one time;
- to maximize staff resources, minimize costs and reduce the time frame for completion of that portion of the three studies.

The *Vision 2020* renewal will not undermine or prevent GRIDS and the OP/Zoning By-law Work Program from proceeding.

Parks, Culture and Recreation Master Plan

In June 2002, City Council approved the new ten year Parks, Culture and Recreation Master Plan. The Plan contains strategic directions and specific recommendations that will assist in the development of new OP policies and Zoning By-law regulations. A Master Plan Steering Committee has been formed to implement the recommendations of the Plan.

Industrial Business Park Review

The Industrial Business Park Review is re-evaluating industrial development issues, costs, feasibility and land use options for the Flamborough, North Glanbrook and Airport Business Parks. The Report, which will be completed by year's end, will include recommendations and background research critical to the overall review of suburban area industrial policies and regulations.

Provincial Policy Statement (PPS)
The Province is in the midst of updating the Provincial planning directions contained in the PPS that municipalities are required to address. A draft is expected late this year or early next year. The updated requirements contained in this document have a direct bearing on some of the City's planning options and the process by which they are implemented.

Economic Development Strategy
In May 2002, City Council approved the Economic Development Strategy. This Strategy promotes cluster development based on both traditional (manufacturing, agri-business) and emerging industrial (film, bio tech, aerotropolis, communications and technology) clusters. This Strategy is an important component of both GRIDS and the policies of economic development in the OP.

Social Development Framework
The Planning and Development Department is in consultation with Social and Public Health Services on this new initiative for 2003. The Social Development Framework includes a Social Vision and three "flagship" issues. Of these, affordable housing is one example of direct links between the two complementary processes. Discussions have also taken place regarding the update of the City's Social Vision.

CONSULTANT REQUIREMENTS

Staff has identified the types of studies that will require the assistance of consultants as follows:

Land Evaluation and Area Review Study (LEAR):

The purpose of this study is to identify viable agricultural districts and industry resources in Hamilton. Based on local knowledge and community input, this study will identify the prime and non-prime agricultural areas within the City of Hamilton. This study requires the expertise of an agronomist.

Due to competing work demands on P&D staff under a 2 Year Option, a rural planning consultant/facilitator will be required to assist the agronomist with GIS data collection and stakeholder consultation for an additional $125,000.

Golf Courses in Rural Areas

There is a high demand for the construction of new golf courses across southern Ontario. The preferred location for these facilities in the rural areas is frequently in direct conflict with agricultural and natural environment planning priorities. The purpose of the study is to evaluate the extent of the need and to determine/develop locational criteria that minimizes impacts on the environment (surface water quality, ground water quantity, natural areas) as well as the use of agricultural land.

The 2-Year Option will not require these consultant services

Rural Residential Development

There are significant existing and future development issues in both the Rural and designated Rural Settlement Areas (RSAs) for additional residential development utilizing private or communal service systems. The form of development ranges from trailer parks to large lot estate subdivisions.

The 2-Year Option will not require these consultant services.

Industrial Park Policy/Zoning Review

Council previously authorised a study utilising consultants and City staff to review planning and development strategies for 3 Industrial Business Parks. Under a 5-Year Option, no addition resources would be required to complete this work and extend its application to other relevant industrial districts.

Under a 2 Year Option competing time demands on City staff would require consultants be used for the Official Plan, zoning, and site plan reforms that extend the results of the current study to suburban business park districts. Staff would focus on the development of an infrastructure financing strategy for such areas.

Open Space/Park Policy and Zoning Review

Under the 5-Year Option, no additional consulting services are required. Due to competing work priorities on P&D staff under a 2 Year Option community planning consultants would be required to formulate new park/open space zoning standards, parkland dedication policies and conduct extensive public consultation required for these reforms.

Commercial Policy Review

An in-depth study will be undertaken to review existing and designated commercial lands, commercial land needs, OP policy and Zoning By-law regulations. A firm or consortium with expertise in the field of commercial OP policy and Zoning By-law regulations, market analysis etc. will be required. Reforms in this area are always contentious at the OMB and solid research is critical.

A 2 Year Option demands significantly greater reliance on consultants for the design and capture of basic data respecting the location, land or building characteristics, occupancy and redevelopment potential of commercial properties and local retail market conditions. These data have great long-term value for both community planning and economic development programs. However they are time-consuming and expensive to accurately capture in a short time frame.

Review of Definitions, General Regulations, Sign and Parking Standards:

The parking standards vary across the former municipal Zoning By-laws. A firm that has expertise in developing Zoning By-law regulations is required.

Under a 2 Year Option competing time demands on P&D and Legal Services staff require the scope of these services to be re-focused on a few key areas. The previously funded project for Sign By-law reform would be integrated into this project component. Services would be needed to quickly establish the overall design and long term reform of all Zoning documents. The consultant would develop revised content for the essential definitions and general provisions sections of those documents focussing primarily on downtown, industrial, agricultural parks/open space issues, but also serve as a base for comprehensive zoning reform. The consultant would also provide logistical support to staff and stakeholders in the annual residential Omnibus Zoning amendments.

Environmental Issues Research

Under a 2 Year Option, competing demands on City staff would require consultants to general research and data collection on property-specific brownfield/greyfield conditions, air, noise and vibration conditions and mitigation measures respecting sensitive land uses within or near industrial and airport districts. These inventory data and policy research projects would enhance and expedite policy and zoning reforms.

SECTION 6

SECTION 7

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

7.1

COMMUNITY SERVICES
Culture & Recreation

Report to:	Mayor and Members Committee of the Whole	**Submitted by**:	William E. Fenwick, Acting General Manager
Date:	January 15, 2003	**Prepared by:**	Anna M. Bradford 546-3967

SUBJECT: Hamilton - Scourge Radar Surveillance System (CS03006) (City Wide)

RECOMMENDATION:

(a) That Aquatic Sciences Inc. (ASI), Project Managers for the Hamilton-Scourge is authorized to design and install a Radar Surveillance System, as per Appendix A attached hereto report CS03006, to monitor and safeguard the Hamilton–Scourge site;

(b) That the cost of the Radar Surveillance System not to exceed $140,000;

(c) That the city financial commitment for the Radar Surveillance System be $90,000;

(d) That the additional $50,000 cost be funded through confirmed private donations;

(e) That funds allocated in 2002 Capital Budget 710025102 for the Museum Digitization Project ($90,000) be reallocated to fund the Hamilton-Scourge Radar Surveillance System;

(f) That the annual operating cost of the system $2,500 be funded from the Hamilton-Scourge Operation Budget 720600.

William E. Fenwick, Acting General Manager
Community Services Department

EXECUTIVE SUMMARY:

With the advent of "mixed-gas" diving technology and the fact that it has become affordable and can easily be undertaken by recreational divers, many deep water shipwreck sites (i.e., in greater than 120 feet water depth) are now within easy reach. The Hamilton-Scourge site in Lake Ontario is an archeologically significant site that fits in this category. As with every group of people with a common interest, there are those with good intentions and those with bad intentions. Recreational divers with good intentions could inadvertently alter or disrupt the archaeological record of the Hamilton-Scourge site by accidentally damaging or moving artifacts. Recreational divers with bad intentions can easily undertake looting and vandalism of the Hamilton-Scourge site.

The Hamilton-Scourge Radar Surveillance System is a MT-Tracker, which will detect stationary intrusions and track their destination. Should a target remain in the designated area longer than 15 minutes, an alarm will be initiated by the system. This alarm, by dedicated pagers, will inform ASI, the Niagara Regional Police Marine Division, and the Canadian Coast Guard.

The City of Hamilton, as owner and steward of this National Historic Site, has a responsibility to the peoples of Canada to ensure the protection of this national treasure.

The Museums Digitization Project has been put on hold. Funds can be sourced for this project from federal and private grants when the project resumes.

The recommendations are to reallocate dollars from the Museum Digitization Project to the Hamilton-Scourge Radar Surveillance Project.

BACKGROUND:

Efforts to find the site of the vessels began in 1971 under the auspices of the Royal Ontario Museum. The driving force was Dr. Dan Nelson, a St. Catharines dentist with assistance from the Canada Centre for Inland Waters. The location of the site was confirmed in 1975.

The ROM, at that time in the midst of a major renovation, decided that the project lay outside its mandate. For a time, it looked as if no one would take responsibility for managing the archaeological site. At that point, Mayor John A. MacDonald and Alderman William McCulloch stepped forward and committed the City of Hamilton to taking the leadership role.

Accordingly, ownership of the vessels was transferred (requiring both an Act of Congress and provincial legislation) to the City in 1980. The City created the Hamilton and Scourge Foundation Inc. in 1981 for the purpose of fundraising and disbursement for the project. Significant dive projects have been carried out on the site in 1980, 1982 and 1991.

It is worthwhile reviewing the responsibilities of the various levels of government as they relate to this project:

- **US government**. No legislative responsibility. The city agreed, under the terms of the transfer, to return all human remains to the US government. Naturally, the sensitivities associated with war dead must be respected.

- **Ontario government**. Although archaeological sites are a provincial responsibility, the Ontario Heritage Act does not require any direct involvement by the Ministry of Culture or the Ontario Heritage Foundation. Archaeologists must be licensed through the Ontario Heritage Foundation but the Ministry is not required to conduct or fund archaeological work or participate in on-going management of the site.
- **Former Regional Municipality/Old City of Hamilton**. The City of Hamilton has managed the project since 1981, most recently as part of the Culture Division. In the early 1980s, the Regional Municipality of Hamilton-Wentworth and the Hamilton Region Conservation Authority set aside a site in Confederation Park for the display of the recovered vessels. A number of marketing and business planning studies were carried out in the 1980s.
- **Federal Government**. The Historic Sites and Monuments Board of Canada designated the vessels as a National Historic Site in 1976. Therefore, Parks Canada has a mandate to assist in the long-term management of the site.

In 1998, the city applied for and received funding ($1,340,000) from the Department of Canadian Heritage as a contribution to the Hamilton and Scourge Ghost Ships Millennium Project. The funds become available when the City raises a matching figure. The Millennium Project would lead an archaeological project to the site and develop recommendations for the long-term preservation of the site.

In 2001, it was confirmed that the funds were still available and that Parks Canada was interested in acting as the project archaeologists. Parks Canada staff from several different departments feels a strong ethical responsibility to be involved in sustaining the integrity of the site but is under no legislative requirement.

Significance of the Vessels. Sites become National Historic Sites because they incorporate a heritage that is not just interesting but cannot be found anywhere else.

The Hamilton and Scourge provide an unprecedented insight into life in the maritime community of Lake Ontario. Built as civilian vessels but pressed into service in the war, they are entirely typical of their time.

Hamilton was and is a port city. Ships indistinguishable from the Hamilton and Scourge crowded the city's harbourfront throughout the 19th century. The vessels are the best resource to discover and preserve that part of the City's heritage, while recognizing that neither vessel was built in or sailed from Hamilton.

Similar ships fought on both sides throughout the war. After the Rush Bagot Treaty, following the war, no warship of any significance size was allowed on the Great Lakes. The Hamilton and Scourge document the short military era.

The fact is that nothing comparable to the Hamilton and Scourge survives anywhere to document life on Lake Ontario from this era. Like Dundurn Castle, the Hamilton Waterworks (Hamilton Museum of Steam and Technology), Whitehern, Battlefield House all are "one of a kind."

Whatever the challenges of the project, Hamilton is extremely fortunate to have opportunity to preserve the Hamilton and Scourge site.

The City of Hamilton remains involved in the project because:

- Having made a commitment, the city has an ethical obligation to ensure that a nationally significant part of Canada's heritage is managed in an appropriate manner.
- The Hamilton Civic Museums have a well-earned reputation for excellence in the preservation and communication of heritage. Outside of Toronto, we are the largest municipal heritage operation in the Province. In this part of Ontario, we are larger and have more heritage resources than either of the Provincial or Federal governments. We are, in short, the best people for the job.
- The potential tourist impact is quite significant. Although it is by no means clear that raising either of the vessels is in their best interest, other projects (including replicas, IMAX theatres, interactive heritage displays) have real potential to attract and hold tourists. The *Hamilton* and *Scourge* have an important place in a larger tourism strategy.

ANALYSIS OF ALTERNATIVES:

N/A

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial: Project will result in an annual operating expenditure of $2,500. This will be expensed from the current Hamilton-Scourge Operation Budget 720600.
Staffing: No staffing implications.
Legal: No legal implications.

POLICIES AFFECTING PROPOSAL:

Effects Purchasing Policy #11

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

N/A

CITY STRATEGIC COMMITMENT:

The project impacts the following Strategic Goals:

1. A Great City in which to Live
2. A City Where People Come First
3. A City that Spends Wisely and Invests Strategically
4. A City of Choice for High Performance Public Servants

APPENDIX A

CITY OF HAMILTON
HAMILTON, ONTARIO
RADAR SURVEILLANCE SYSTEM
HAMILTON-SCOURGE SITE
ASI Project R20392

January 14, 2003

Project Description

With the advent of “mixed-gas” diving technology and the fact that it has become affordable and can easily be undertaken by recreational divers, many deep water shipwreck sites (i.e., in greater than 120 feet water depth) are now within easy reach. The *Hamilton-Scourge* site in Lake Ontario is an archeologically significant site that fits in this category. As with every group of people with a common interest, there are those with good intentions and those with bad intentions. Recreational divers with good intentions could inadvertently alter or disrupt the archaeological record of the *Hamilton-Scourge* site by accidentally damaging or moving artifacts. Recreational divers with bad intentions can easily undertake looting and vandalism of the Hamilton-Scourge site. Rumour has it, in the diving community, that the *Hamilton-Scourge* site has already been visited by recreational divers. This underscores the need for aggressive attention to the protection of these valuable and non-renewable resources. Their protection becomes ever more crucial to future research and public appreciation. Surveillance of the *Hamilton-Scourge* site has become imperative in order to safeguard the site under the City of Hamilton’s stewardship and to prevent unnecessary damage to the site, whether intentional or not.

Our consultant, ASI Group Ltd. (ASI) will work in conjunction with Sicom Systems Ltd. (SICOM) to develop and install a state-of-the-art radar surveillance system. Our consultant has undertaken a review of the system requirements and available technologies. They have determined that a new low-cost radar surveillance system could be developed and implemented that would not only detect stationary intrusions but also track their destination after they leave the site, allowing for contact by authorities if required.

ASI will use a standard, commercial-off-the-shelf, marine radar. These radars are inexpensive and readily available from a number of manufacturers. Beam width gating and range gating will permit monitoring of an area approximately 1 km by 1 km that encompasses the *Hamilton-Scourge* site (*see Figure 1 – Site Plan*). ASI will erect a tower for the radar antenna, with a height of approximately 20 metres above the level of Lake Ontario, at their head office located in St. Catharines, Ontario. The ASI office is in close proximity to the *Hamilton-Scourge* site and, with sufficient antenna height should permit a clear line of site to the surveillance area. The ASI office is a secure site and all computer power and networking requirements for the system are available on site. ASI staff would be able to monitor and maintain the system on a regular basis. The system will have built-in test points and any failures will be reported to a designated person or default list.

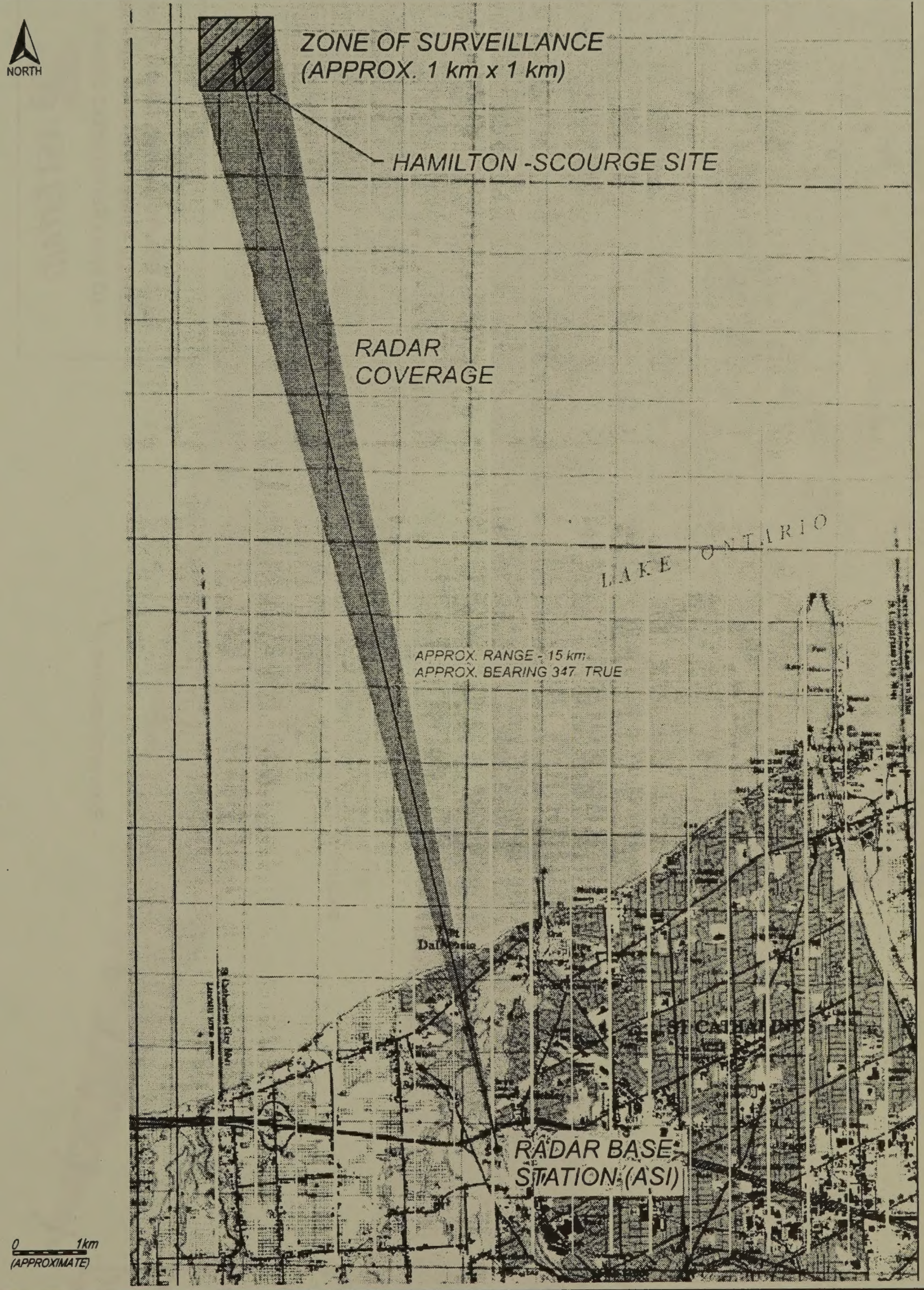
The basic configuration of the radar surveillance system is provided in Figure 2.

To improve small-target (small craft) detection capability, the associated radar signal processing needs to be significantly altered. This will be accomplished by accessing the raw radar signal through the use of a radar capture card. The data provided by the radar capture card will be operated on by a real-time, software radar signal processor which has optimized processing suitable for detecting small targets/craft. Numerous false alarms caused by surface clutter (i.e., radar backscatter from the water surface) will also be captured along with the actual targets of interest. MT-Tracker, a software application developed by SICOM, will be modified and used to make sense of the radar plots and to determine which ones relate to real targets, and which ones relate to false alarms caused by surface clutter. MT-Tracker builds tracks for valid targets and maintains track histories containing target motion information. At any instant in time, these track histories can provide situational awareness of the recent activity in the vicinity of interest.

Monitoring would be on a continuous 24-hour basis. A characteristic of the target vessel must be defined that distinguishes it from one just passing through the surveillance window. The preferred characteristic would be time on site. If a suitable target were detected, an alarm notification would be transmitted to designated persons or a default list via telephone, email, or facsimile transmission. The alarm could be transmitted to the Niagara Regional Police Marine Division, the Canadian Coast Guard, a City of Hamilton representative, an ASI representative or any other designated party. Arrangements would have to be made with these authorities for participation with this program. The designated person(s) would have to acknowledge receipt of this information. If acknowledgement is not received a call-up default list will be used to contact an alternative designated person.

In addition to the ability to detect valid targets in the surveillance zone, this system will also be able to determine what direction individual valid targets came from and went to after their initial detection. This target motion information is determined by MT-Tracker using the track histories. This target motion information could also be available to designated personnel.

A detailed operations and service manual with operating protocol would be prepared and form part of the system.


NORTH
ZONE OF SURVEILLANCE
(APPROX. 1 km x 1 km)
HAMILTON -SCOURGE SITE
RADAR
COVERAGE
LAKE ONTARIO
APPROX. RANGE - 15 km
APPROX. BEARING 347 TRUE
Dalhousie
ST CATHARINES
RADAR BASE
STATION (ASI)
0
1km
(APPROXIMATE)

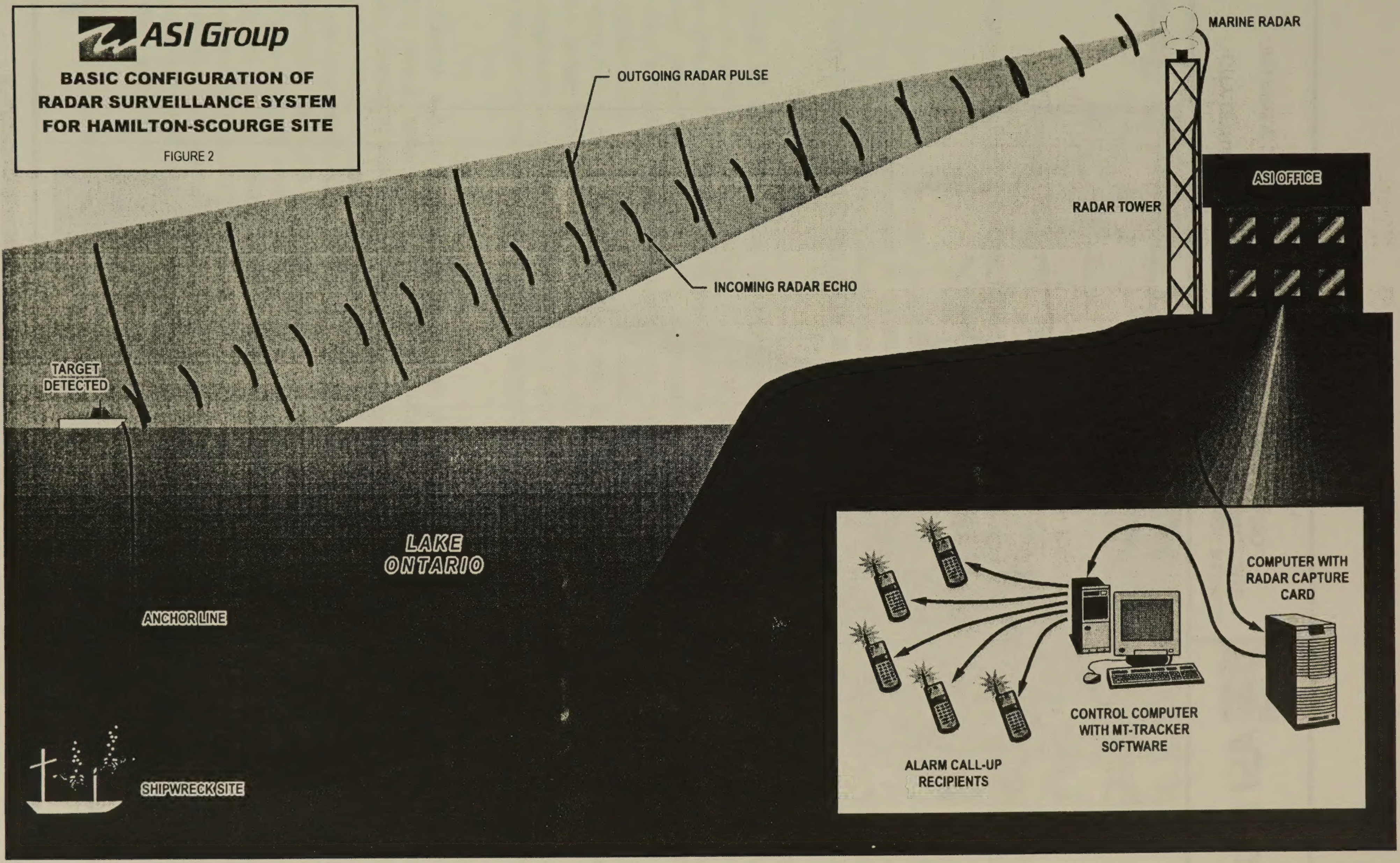
CITY OF HAMILTON

ASI PROJECT R20392

RADAR SURVEILLANCE SYSTEM
HAMILTON - SCOURGE SITE
LAKE ONTARIO

FIGURE 1

ASI Group



ASI Group

BASIC CONFIGURATION OF RADAR SURVEILLANCE SYSTEM FOR HAMILTON-SCOURGE SITE

FIGURE 2

MARINE RADAR
OUTGOING RADAR PULSE
INCOMING RADAR ECHO
RADAR TOWER
ASI OFFICE
TARGET DETECTED
LAKE ONTARIO
ANCHOR LINE
SHIPWRECK SITE
COMPUTER WITH RADAR CAPTURE CARD
CONTROL COMPUTER WITH MT-TRACKER SOFTWARE
ALARM CALL-UP RECIPIENTS

SECTION 8

SECTION 9

SECTION 10

CITY WIDE
IMPLICATIONS

10.1

CITY OF HAMILTON

FINANCE & CORPORATE SERVICES
Revenues Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Joseph L. Rinaldo, General Manager
Date:	January 14, 2003	**Prepared by:**	Frank Carrocci Director of Revenues 905-546-2058

SUBJECT: 2002 Year End Receivable Write-offs - (FCS03013) - (City Wide)

RECOMMENDATION:

(a) That Council direct the write-off of uncollectible tax arrears, water/sewer arrears, and miscellaneous receivables at year-end 2002 by eliminating the following amounts:

i) Ministry of the Environment charges levied and collectible in the same manner as taxes on 363 Wellington Street North (former Plastimet site), deemed to be uncollectible as per the Treasurer's recommendation pursuant to section 354 of the Municipal Act, 2001 totalling $5,499,439.63 plus applicable interest charges; and

ii) Taxes deemed to be uncollectible as per the Treasurer's recommendation pursuant to section 354 of the Municipal Act, 2001 totalling $1,365,881.28 plus applicable interest charges; and

iii) Water & Sewer arrears totalling $107,227.59 plus related financial charges; and

iv) Miscellaneous accounts receivable totalling $180,609.48 plus related financial charges.

Joseph Rinaldo

Joseph L. Rinaldo, General Manager
Finance & Corporate Services

EXECUTIVE SUMMARY:

Staff have determined that a number of accounts receivables in the water/sewer accounts, miscellaneous receivables, and taxes are uncollectible for various reasons as discussed below. It is appropriate that these amounts be stricken from the accounts in order to ensure that the financial records accurately reflect amounts that can be reasonably expected to be collected.

BACKGROUND:

Taxes Receivable:

The tax trial balance currently includes amounts as receivable for 20 properties that have either been vested in the name of the City over the past several years or are uncollectible as a result of duplicate assessments and irreversible errors in process.

	Tax Write-Off
MOE Charges	$ 5,499,439.63
Vested Properties (now City owned)	$ 1,278,344.29
Other	$ 87,536.99
Total:	$ 6,865,320.91

Net taxes being recommended for write-off pursuant to section 354 of the Municipal Act, 2001 as uncollectible to be written to the City's accounts will amount to $751,792.17 plus applicable interest charges following the transfer of amounts that were originally levied on behalf of the various school boards and the Ministry of Environment costs for the Plastimet clean-up.

Water/Sewer Accounts Receivables:

There are currently 364 accounts totalling $107,227.59 for water/sewer arrears on terminated accounts. Most of these accounts date back to 1999, and all collection actions have been exhausted. The accounts have been transferred to collection agencies working on the City's behalf and should any portion of the arrears be realized through these activities in the future the amounts received will be credited back to the water/sewer accounts as miscellaneous water/sewer revenues.

Miscellaneous Receivables:

A total of $180,609.48 plus financing charges pertaining to 50 accounts that are uncollectible should be written off. As with other receivables these accounts have been transferred to collection agencies, or in some cases legal remedy has been sought but to no avail. In many cases, the corporate entity has either gone through bankruptcy or disappeared. Should any amounts be realized in regards to these accounts in the future they will be credited to miscellaneous general revenues.

ANALYSIS OF ALTERNATIVES:

All avenues of collection in regards to the receivables being recommended for write-off have been exhausted.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Amounts recommended for write-off will be charged to the various reserves allowances that have been established for this purpose.

POLICIES AFFECTING PROPOSAL:

Generally accepted accounting principles dictate that the City's accounting records reflect only amounts that are reasonably collectible.

Section 354 of the Municipal Act, 2001 permits the write-off of tax arrears that are deemed to be uncollectible, and the Municipal Tax Sales Act further requires that where properties are vested in the municipality pursuant to unsuccessful sales such amounts are to be written off.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Not applicable.

CITY STRATEGIC COMMITMENT:

Accounting principles require that the City reflect amounts that are realistically collectible in its books of record. By making the adjustments necessary the total receivable amounts will be reduced and impact on the City's overall economic well being through improved credit ratings.

Appendix A to Report
FCS03013

TAX WRITE-OFFS UNDER SECTION 354 MUNICIPAL ACT, 2001

Roll No.	Property Address	Tax	Reason
010 092 57860	5 Fanning St	$ 8,374.00	vested to City May 1999
020 143 50370	124 Walnut St S	136,757.58	vested to City July 2001
020 171 08900	361 Wellington St N	196,965.53	vested to City July 2002
020 171 08930	363 Wellington St N	5,506,787.26	vested to City July 2002
020 171 09020	371 Wellington St N	464,438.19	vested to City July 2002
020 152 51580	ooo King St E	6,658.70	exempt from 1997
030 203 06063	432 Main St E #103	46,633.85	vested to City July 2002
030 231 51560	15 Sanford Ave s	5,909.82	section 442 appeal
030 232 56230	735 King St E	76,651.14	Section 210 exemption
030 233 06040	286 Sanford Ave N	255,348.78	vested to City July 2001
030 271 00490	382 Sherman Ave N	12,170.65	vested to City May 1998
030 272 02500	00 Burlington St E	78,885.04	vested to City July 2002
040 313 50760	236 Ottawa St N	26,084.95	vested to City in May 1999
050 403 07750	720 Dunn Ave	2,274.66	mis-applied payment after change of ownership for
050 531 09546	416 Montmorency	1,022.42	duplicate assessment
060 761 02216	00 Broughton Ave	1,436.65	vested to City June 1997
060 761 02210	00 Broughton Ave	308.04	vested to City June 1997
081 061 06722	772 Upper Paradise	4,731.65	vested to City July 2002
140 510 41400	137 Carluke Rd W	1,678.95	property severed in 1999 sold with clear tax certificate
260 120 00100	00 Governors Rd	32,203.05	property deeded to Dundas should be exempt

Total	**$ 6,865,320.91**
Less: MOE costs added to Plastimet	$ (5,499,439.63)
Education share	(614,089.11)
Net City Share	**$ 751,792.17**

CITY WIDE
IMPLICATIONS

CITY OF HAMILTON

10.2

FINANCE AND CORPORATE SERVICES DEPARTMENT
RISK MANAGEMENT SERVICES DIVISION

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Joseph Rinaldo, GM, Finance and Corporate Services
Date:	January 17, 2003	**Prepared by:**	Michael Hill 540-5733 Bob Zolaturiuk 540-5734

SUBJECT: Year 2003 Liability/Property Insurance Policies (FCS03012) (City-wide Implications)

RECOMMENDATION:

a) That the City place all Liability and Property Insurance coverages for the term January 1, 2003 to January 1, 2004, through Dalton Timmis Insurance as Broker of Record, with the Frank Cowan Company Limited, at a cost of $1,691,100 (includes applicable taxes and brokerage fees), in accordance with the Appendix A attached to report FCS03012.

b) That the General Manager, Finance and Corporate Services be authorized and directed to execute all associated documents on behalf of the City.

c) That the 2003 Tax Budget be adjusted to reflect a net increase in insurance premiums of $283,770.

d) That the increase in claims costs of $1.080 million in 2003 be funded from the Tax Stabilization Reserve.

Joseph Rinaldo

Joseph Rinaldo, General Manager
Finance & Corporate Services

EXECUTIVE SUMMARY:

The insurance market has continued to harden since early 2001, a trend that has accelerated due to such factors as catastrophic claims losses and lower returns from the investment market. This situation is affecting virtually all lines of coverage world-wide, generating further premium rate increases and restrictive insurance terms heading into Year 2003.

A pronounced effect has been the delay in obtaining premium quotations, as Insurers are taking significantly more time to cautiously scrutinize their underwriting risk exposures and re-examine the adequacy of their premium rates. As a result, staff was unable to obtain all required premium quotations in time for evaluation and presentation to Council prior to the January 1, 2003 renewal date. Consequently, staff found it necessary to secure interim coverages effective January 1, 2003, in order to avoid interruption of coverages into the new year. The balance of outstanding premium quotes was eventually received by January 6th.

Upon having completed a review of all renewal premium quotes, including several coverage options, staff recommend that the City renew its coverages for the term January 1, 2003 – January 1, 2004, through its current Broker and Insurers, at a cost of $1,691,100 (including applicable taxes and brokerage fees), in accordance with Appendix "A" attached to report FCS03012. The changes result in an increase in premiums of approximately 25% over last year. In 2002, staff was able to negotiate a marginal increase of 2.6% or $34k, with no significant increase in the level of exposure, at the same time as other municipalities were experiencing much larger increases. This recommendation includes reducing the deductible levels on the Municipal Liability Policy and the Automobile Fleet Liability Policy from $1,000,000 per occurrence to $500,000 per occurrence, in order to take advantage of the potential cost savings and to address the overall reduction in available reserves to finance shock losses.

BACKGROUND:

A proposal call was issued by the City in 2000 for the program term January 1, 2001 - January 1, 2004. Consequently, in 2003 it will be necessary to issue a Request for Proposals for the program that will commence in 2004. The City of Hamilton's Liability and Property insurance policies for Year 2002 were subject to expire on January 1, 2003, requiring that renewal premium quotations be obtained in order to place coverages for Year 2003.

Consistent with the annual renewal process, the City's Broker of Record, Dalton Timmis Insurance Group, was instructed by Risk Management Services to obtain renewal premium quotations from the City's current insurance provider, The Frank Cowan Company Limited (an underwriter specializing in public entity accounts on behalf of major Insurers, with whom the City had entered into a three-year agreement in 2001), based on the present $1,000,000 per occurrence deductible level, as well as a cost comparison on its Liability policies based on a $500,000 per occurrence deductible level. Dalton Timmis was also requested to survey the insurance market in order to assess whether there are presently any alternative Insurers who would be able to offer a more competitive coverage/cost package.

ANALYSIS OF ALTERNATIVES:

As in previous years, Dalton Timmis has sought quotations from insurance markets selected on the basis of Insurers' desire and ability to provide Municipal sector insurance, their underwriting expertise, and their history of financial stability. In recent years the availability of such Insurers has diminished; in part because many Insurers perceive municipal risk exposures as being undesirable to cover (e.g., CGU, Royal, St. Paul, etc.).

Although rating agencies continue to downgrade several insurance companies in this uncertain market, the Frank Cowan program continues to provide a comprehensive and cost effective program through financially stable Insurers, e.g., Guarantee Company of North America, having an AM Best Rating "A"(excellent); Lombard, having an AM Best Rating "A-" (excellent); and Munich Re, having an AM Best Rating A++ (superior).

With the continued hard market, similar to 2002, Insurers have again imposed certain significant changes in coverages, which are common throughout the marketplace, i.e., the Property Policy is now subject to a Loss Limit of $250 Million per occurrence (due to capacity problems in the market); also, all liability and property policies are subject to an Absolute Asbestos Exclusion and a Fungi/Fungal Derivatives Exclusion, which are in addition to the Terrorism and Cyber Exclusions that were imposed in 2002.

Premiums have again also increased significantly. If, for the Year 2003, coverages are continued with the Cowan program on a status quo basis as was in place in 2002, including the same limits and deductible levels (with the exception of coverage restrictions imposed by Insurers as noted above), this would result in a Year 2003 total annual premium (including taxes and commissions) of $1,640,186, being an overall annual increase of $287,331, or 21.2%.

However, in view of the significant depletion of the City's claims reserves in recent years in order to cover escalating claims costs, staff has considered the need to reduce financial exposure to the reserves via a reduction in policy deductible levels. Consequently, Dalton Timmis was requested to obtain alternate premium quotes for the liability policies, i.e., Municipal, Errors & Omissions, and Auto, based on reducing the deductible levels of each from $1,000,000 per occurrence to $500,000 per occurrence. The resulting annual premium increases for each (including taxes) would be as follows: Municipal $41,061; Errors & Omissions $5,234; Auto $9,853.

Staff considers there to be a clear cost advantage of expending relatively nominal additional premiums in exchange for obtaining the lower deductible levels for Municipal and Auto, as the inherent risk exposure and potential for claims to penetrate the $500,000 level is significant. However, staff does not consider the purchase of lower deductible for the Errors & Omissions Policy as being cost beneficial, as the inherent risk exposure and potential for claims to penetrate the $500,000 level is relatively remote.

Consequently, it is recommended by staff that the City purchase the additional coverage of lower deductible levels for Municipal Liability and Auto Liability at a total additional premium cost of ($41,061+ $9,853) $50,914. This would result in a Year 2003 total annual premium (including taxes and commissions) of $1,691,100, being an overall annual increase of $338,250, or 25.0%.

It is the considered opinion of staff and Dalton Timmis that, all things being equal, the City cannot at this time obtain more favourable price and coverage elsewhere. (Dalton Timmis was unable to obtain more beneficial quotes from the market, i.e., five major Insurers declined to quote on Municipal sector business due to its inherent risk exposure, and two Insurers who did quote were considered more expensive than Cowan.). Consequently, it is recommended that the City renew its coverages with The Frank Cowan Company for the term January 1, 2003 – January 1, 2004, in accordance with the coverages and premiums outlined in Appendix "A" attached to report FCS03012.

Appendix "B" attached to report FCS03012 provides a five-year cost comparison of premiums.

Further, staff note that, consistent with its mandate to continually strive to secure optimal coverages at optimal cost, Risk Management Services is currently undertaking preparations to retain early in 2003 an actuarial Consultant to review the existing City insurance program in order to provide recommendations with respect to the overall design and evaluation of the program, including optimum retention levels and limits.

Also, given that the current program (utilizing Dalton Timmis as Broker of Record and The Frank Cowan Insurance Program) was established on the basis of a three-year annually renewable term of January 1, 2001 – January 1, 2004, accordingly, the Consultant's review will also focus on a strategic plan as to the most beneficial approach to undertake in the current hard market, i.e., tendering for a broker of record and coverages in the conventional market vs. utilization of other possible Alternative Risk Transfer (ART) mechanisms, such as reciprocals.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The 2003 Budget was prepared assuming no increase in the premium costs or the costs of claims. Negotiations for premiums were just beginning when the budgets were being compiled. As shown in Appendix C to FCS03012, an additional $1.1 million for claims costs and $338k for increased premium costs is required to sustain the Risk Management program at a total cost of $6.1 million. Due to the significant budget pressures being faced in 2003, staff recommend that the 2003 budget be adjusted for the 2003 increase in premium costs only and that the increased claims costs of $1.1 million be funded from the Tax Stabilization Reserve. As a result the 2003 Budget must be increased by $338,250. Although the overall increase in premiums is $338,250, $54,480 of this affects the Water & Wastewater Rate Supported Operating Budget, leaving $283,770 to be financed from the Tax Budget, as shown in Appendix D to FCS03012. This will not sustain the Risk Management program on an ongoing basis and will create a $1.1 million budget pressure in 2004.

POLICIES AFFECTING PROPOSAL:

N/A

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

N/A

CITY STRATEGIC COMMITMENT:

Strategic Commitment 5. (a) ensures "best value" in delivery of services in achieving "a City that Spends wisely". A report prepared in May of 2000 by Catalyst Consulting identified that "Hamilton's Risk Management Services was among the leaders in support staff ratios and the effective use of technology.

City of Hamilton -
Comparative Analysis of Insurance Coverages, Premiums and Other Alternatives

Appendix "A" to FCS03012

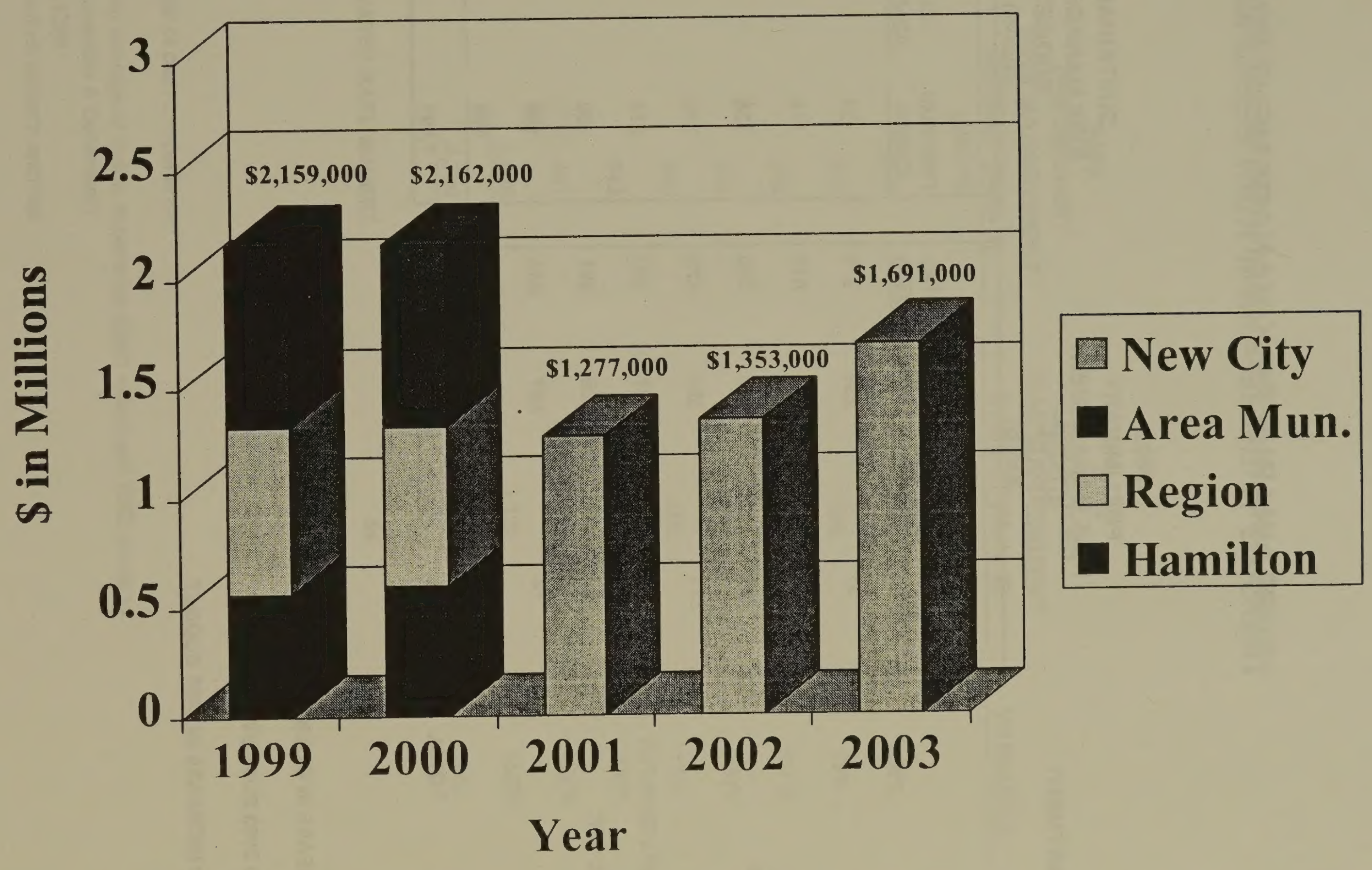
	2002-2003				2003-2004					
TYPE OF COVERAGE	LIMIT OF INSURANCE*	DEDUCTIBLE LIMIT*	NET PREMIUM	PREMIUM INC. COMM. & TAX	LIMIT OF INSURANCE*	DEDUCTIBLE LIMIT*	NET PREMIUM	PREMIUM INC. COMM. & TAX	Variance Inc/(decr.)	*Renewal Changes*
Municipal Liability	$ 15,000,000	$ 1,000,000	$ 278,379	$ 334,055	$ 15,000,000	$ 1,000,000	$ 306,217	$ 367,460	$ 33,405	*10% Increase*
Municipal Conflict of Interest	$ 300,000	10%	$ 3,150	$ 3,780	$ 300,000	10%	$ 3,150	$ 3,780	$ -	*No Change*
Legal Expense	$ 300,000	10%	$ 9,000	$ 10,800	$ 300,000	10%	$ 9,000	$ 10,800	$ -	*No Change*
									$ -	
Owned Automobile	$ 10,000,000	$ 1,000,000	$ 405,529	$ 464,106	$ 10,000,000	$ 1,000,000	$ 510,586	$ 578,667	$ 114,560	*25% Increase*
Garage Automobile	$ 10,000,000	$ 50,000	$ 7,141	$ 8,173	$ 10,000,000	$ 50,000	$ 7,855	$ 8,903	$ 730	*9% Increase*
Non-Owned Auto Liability	$ 15,000,000	Nil	$ 3,150	$ 3,780	$ 15,000,000	Nil	$ 3,150	$ 3,780	$ -	*No Change*
Errors & Omissions Liability	$ 15,000,000	$ 1,000,000	$ 34,610	$ 41,532	$ 15,000,000	$ 1,000,000	$ 39,014	$ 46,849	$ 5,317	*13% Increase*
									$ -	
Property	$ 1,742,455,600	$ 1,000,000	$ 224,360	$ 269,232	$ 1,742,455,600	$ 1,000,000	$ 270,279	$ 324,335	$ 55,103	*21% Increase*
Loss Limit	N/A				$ 250,000,000				$ -	
Boiler & Machinery	$ 100,000,000	$ 100,000	$ 46,204	$ 55,445	$ 100,000,000	$ 100,000	$ 50,825	$ 60,990	$ 5,545	*10% Increase*
HSR Rolling Stock	$ 57,444,500	$ 100,000	$ 29,700	$ 35,640	$ 57,444,500	$ 100,000	$ 35,640	$ 42,768	$ 7,128	*20% Increase*
									$ -	
Comprehensive Crime	$ 10,000,000	$ 10,000	$ 26,992	$ 32,390	$ 10,000,000	$ 10,000	$ 26,992	$ 32,390	$ -	*No Change*
Directors & Officers Liability (H.E.C.F.I.)	$ 3,000,000	$ 15,000	$ 9,420	$ 11,021	$ 3,000,000	$ 15,000	$ 11,300	$ 13,424	$ 2,403	*22% Increase*
Sub Total: Primary			**$ 1,077,636**	**$ 1,269,955**			**$ 1,274,008**	**$ 1,494,146**	**$ 224,191**	***18% Increase***
Excess Automobile	$ 5,000,000		$ 6,984	$ 8,381	$ 5,000,000		$ 8,699	$ 10,439	$ 2,058	*25% Increase*
Excess Liability	$ 10,000,000		$ 13,500	$ 16,200	$ 10,000,000		$ 22,334	$ 26,800	$ 10,600	*65% Increase*
Umbrella/Excess	$ 25,000,000		$ 67,500	$ 81,000	$ 25,000,000		$ 99,000	$ 118,800	$ 37,800	*47% Increase*
Sub Total			$ 87,984	$ 105,581			$ 130,033	$ 156,039	$ 50,459	*48% Increase*
Primary and Excess			**$ 1,165,620**	**$ 1,375,536**			**$ 1,404,041**	**$ 1,650,186**	**$ 274,650**	***20 % Increase***
Insurance Program Fees:			$ 119,016	Included			$ 155,909	Included		
Non-Marketing Discount:			$ (10,000)	$ (10,000)			$ (10,000)	$ (10,000)	$ -	
Broker Adjustment:				$ (9,640)					$ 9,640	
Retail Sales Tax Adjustment:				$ (3,041)			N/A	N/A	$ 3,041	
Sub Total Insurance Costs:			**$ 1,274,636**	**$ 1,352,855**			**$ 1,549,950**	**$ 1,640,186**	**$ 287,331**	***21 % Increase***
ALTERNATIVE DEDUCTIBLE COMPARISON										
Municipal Liability	$ 15,000,000	$ 1,000,000			$ 15,000,000	$ 500,000	$ 38,019	$ 41,061	$ 41,061	
Owned Automobile	$ 10,000,000	$ 1,000,000			$ 10,000,000	$ 500,000	$ 9,123	$ 9,853	$ 9,853	
Total Insurance Costs			**$ 1,274,636**	**$ 1,352,855**			**$ 1,597,092**	**$ 1,691,100**	**$ 338,245**	***25 % Increase***

* Note 2003-2004 P[illegible]m Fee Calculations are taxed on a Premium Tax of 5.7% Combined as opposed to 7% G.S.T.
* Note Sub-Limits [illegible]er deductibles also apply on certain policies

1/22/03

Appendix B To FCS03012

Annual Insurance Premium Costs



Hamilton

Appendix C to Report FCS03012

SUSTAINABLE RISK MANAGEMENT PROGRAM

DEPARTMENT	2003 PRELIMINARY RISK MANAGEMENT BUDGET ($000'S)			SUSTAINABLE RISK MANAGEMENT BUDGET ($000'S)			% CHANGE
	PREMIUM COSTS	CLAIMS / ADMIN COSTS	TOTAL COSTS	PREMIUM COSTS	CLAIMS / ADMIN COSTS	TOTAL COSTS	
ROADS	31	239	270	24	1012	1,036	323%
POLICE	104	513	617	118	884	1,002	72%
FACILITIES	224	6	230	138	700	838	11567%
H.S.R.	314	359	673	372	245	617	(32)%
WATER / WASTEWATER	52	297	349	214	268	482	(10)%
CULTURE & REC	62	429	491	50	352	402	(18)%
FLEET	76	567	643	186	214	400	(62)%
OTHER	490	946	1,436	589	761	1,350	(20)%
TOTAL	**1,353**	**3,356**	**4,709**	**1,691**	**4,436**	**6,127**	32%

FUND INCREASE IN CLAIMS COSTS FROM RESERVE	**(1,080)**
PROPOSED 2003 BUDGET	**5,047**
PROPOSED INCREASE IN 2003 BUDGET	**338**

2003 PROPOSED RISK MANAGEMENT BUDGET

DEPARTMENT	2003 PRELIMINARY RISK MANAGEMENT BUDGET (Note 1) ($000'S)	2003 PROPOSED RISK MANAGEMENT BUDGET (Note 2) ($000'S)	VARIANCE
ROADS	270	832	208%
POLICE	617	798	29%
FACILITIES	230	707	207%
H.S.R.	673	545	(19)%
WATER / WASTEWATER	349	403	15%
FLEET	643	337	(48)%
CULTURE & REC	491	298	(39)%
OTHER	1,436	1,127	(22)%
TOTAL	**4,709**	**5,047**	7%
IMPACT ON WATER / WASTEWATER RATE BUDGET		**54**	
IMPACT ON TAX BUDGET		**284**	

NOTES:

(1) Basis for allocation = 1 year of claims experience

(2) Basis for allocation = 2 year average of claims experience (2001 actual and 2002 actual to October and estimated November & December)
Premiums increased by $338K
Premium reallocation based on broker's analysis

SECTION 11

SECTION 12

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

12.1

PLANNING AND DEVELOPMENT DEPARTMENT
Housing Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date: **File:**	January 16, 2003 FHCC-1	**Prepared by:**	Mark Mascarenhas (905) 546-4604

SUBJECT: **Establishment of a Federal Housing Capital Contribution Reserve (PD03021)(City Wide)**

RECOMMENDATION:

(a) That a Federal Housing Contribution Reserve be established and funded with current total Federal contributions of $3,791,218; and,

(b) That future Federal contributions be allocated to the Federal Housing Contribution Reserve.

Lee Ann Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

As part of its devolution of housing to the Province of Ontario and subsequent devolution to municipalities, the Federal Government is committed to continue its funding of Federally sponsored projects until expiry of project operating agreements. In Hamilton, that contribution averages $22.5 M annually, a portion approximating $400,000 of which is for capital repair. As part of the Federal devolution to Ontario, the Federal Government made a one-time capital contribution of $58M to Ontario for distribution to Municipal Service Managers. Hamilton's initial share was $3,038,800 and was subsequently topped up. The total is now $3,791,218. It is recommended that this contribution be placed in a City reserve for utilization as and when needed for the social housing stock.

BACKGROUND:

The devolution of social housing to the municipalities has resulted in funding uncertainties in the area of future capital repair costs. The Federal Government, in an effort to address this issue, allocated a total one-time payment of $58M to the Province as part of their Federal obligation to Social Housing. The City received $3,038,800 out of this allocation. These funds are to be used for housing programs as defined in Schedule C of the Social Housing Agreement (public housing, rent supplement, federal projects, provincial projects, and cost shared projects).

The Federal Government also provides approximately $22.5M to meets its annual obligation for Social Housing. The 2002 allocation contains $752,418 that the Province has designated as non-operational. It is estimated that the future annual federal allocations will contain approximately $400,000 of non-operational revenue. The Province has recommended that these excess funds be allocated to a reserve to help meet future capital needs. Housing staff recommends same.

The technical audit of social housing stock to be undertaken in 2003 will identify long-term capital needs gaps and a further report to Committee will be made when the audit is completed.

ANALYSIS OF ALTERNATIVES:

There are no viable alternatives to the recommendation. This reserve is fully funded by the Federal Government.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial – The one-time funding of $3,038,800, plus annual contributions, are Federal contributions to the social housing capital reserve.

Staffing – None

Legal – Social Housing Reform Act, Section 5 and Schedule C.

POLICIES AFFECTING PROPOSAL:

N/A

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Housing Division staff consulted with:

- Staff from the Finance and Corporate Services Department
- The Provincial Ministry of Municipal Affairs and Housing

CITY STRATEGIC COMMITMENT:

Approval and implementation of the Federal Housing Capital Contribution Reserve fund supports the following goals of the City's Strategic Plan:

A City that spends wisely and invests strategically
b) Best Practices – Best Value
"Council will pursue best practice to lower the cost of government and ensure best value in service delivery. It is recognized that best value is not just a calculation of dollars: it also includes accountability, service quality, accessibility and other community priorities which must be taken into account as per Council policy.

MM/dk

SECTION 13

SECTION 14

SECTION 15

SECTION 16

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

16.1

FINANCE AND CORPORATE SERVICES DEPARTMENT
Office of the City Clerk

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Councillor Sam Merulla on behalf of the City of Hamilton Licensing Committee
Date:	January 17 2002	**Prepared by:**	Stella Glover 546-3993

SUBJECT: Licensing Committee Report 03-01 – January 15, 2003 (City Wide)

RECOMMENDATION:

(a) **Proposed Promotional Activity by Hamilton Co-operative Taxi Inc.** (Item 3.1)

That the request by Hamilton Co-operative Taxi Inc. to operate a promotional activity from January 15 to July 15, 2003, by offering $1.00 per fare discount coupons to all customers, be granted.

(b) **Mohamed A. Abdelrahman – Taxi Cab Driver Licence** (Item 4.1)

That the Taxi Cab Driver Licence renewal application of Mohamed A. Abdelrahman be granted subject to the following condition:

Submission of an updated driving abstract to the Issuer of Licences at six month and one year intervals from the date of issuance of the licence.

(c) **Asarhadoun Kattina – Taxi Cab Driver Licence** (Item 4.2)

That the Taxi Cab Driver Licence of Asarhadoun Kattina be revoked as a result of the licensee incurring further demerit points for speeding while operating under a conditional licence.

(d) **Adult Entertainment Parlour Licence Application** (Item 4.3)

That the Adult Entertainment Parlour Licence application of Erin Skirving be granted subject to the following condition:

Submission of an updated police record to the Issuer of Licences in six months from the date of issuance of the licence.

(e) **Royal Canadian Legion – Eligible Use of Lottery Proceeds (City Wide)** (Item 5.1)

(i) That Information Report 03-01 by the City Clerk dated January 7, 2003, respecting the eligible use of lottery proceeds by Royal Canadian Legion Branches be received; and,

(ii) That a copy of any submission from the Royal Canadian Legion Branch No. 58 to the Alcohol and Gaming Commission for Ontario regarding the eligible use of lottery licensing proceeds be presented to City Council for their endorsement and support.

S Merulla

Councillor Sam Merulla, Chairman
City of Hamilton Licensing Committee

EXECUTIVE SUMMARY:

The Committee based its recommendations on staff recommendations and, with respect to Items (b), (c) and (d), on the testimony of the applicants and upon the applicants' driving and/or police records.

BACKGROUND:

Representatives of Hamilton Co-operative Taxi Inc. attended before the Licensing Committee in support of their application to operate a pilot promotional activity for a six months period. This scheme is to be available to all and the taxi cab drivers will be fully compensated.

Applicants Mohamed A. Abdelrahman and Erin Skirving had been denied licences by the Issuer of Licences and therefore appeared before the Licensing Committee at their own request, to appeal the decisions.

Taxi Cab Driver Asarhadoun Kattina was called to appear before the Licensing Committee to Show Cause why his Taxi Cab Driver Licence should not be revoked due to his incurrence of further driving infractions while operating under a conditional licence.

(Confidential Background Information with regard to Show Cause Hearings is available to Members of Council from the Secretary of the Licensing Committee upon request).

City Clerk Information Report 03-01 dated January 7, 2003, respecting the eligible use of lottery proceeds by Royal Canadian Legion Branches is attached hereto as Appendix "A"

ANALYSIS OF ALTERNATIVES:

See Appendix "A"

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

See Appendix "A"

POLICIES AFFECTING PROPOSAL:

See Appendix "A"

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

See Appendix "A"

CITY STRATEGIC COMMITMENT:

See Appendix "A"

Cc: Councillor Bill Kelly, Ward 7
Doug Rose, Manager of Licensing and Standards
Darryl Lee, Deputy Clerk/Manager of Elections

APPENDIX ‘A’ TO LICENSING REPORT 03-01

CITY WIDE
IMPLICATIONS

CITY OF HAMILTON

Finance and Corporate Services Department
City Clerk's Division

Report to:	Chairman and Members, City of Hamilton Licensing Committee	**Submitted by:**	Kevin Christenson, City Clerk
Date:	January 7, 2003	**Prepared by:**	Darryl Lee 540-5434

SUBJECT: Royal Canadian Legion - Eligible Use of Lottery Proceeds (City Wide)

RECOMMENDATION:

That Information Report No. 03-01 respecting the eligible use of lottery proceeds by Royal Canadian Legion Branches be received.

Kevin Christenson, City Clerk
Finance & Corporate Services

BACKGROUND:

At it's meeting held November 20, 2002 representatives of Royal Canadian Legion Branch No. 58 attended the Licensing Committee to express concerns relating to the requirement to obtain a Municipal License for certain lottery events, as well as the allowable use of proceeds from lottery events. This Information Report will address these and other general issues surrounding the use of lottery proceeds by Branches of the Royal Canadian Legion.

Regulatory Framework

An Order in Council of the Provincial Government provides each Municipal Council the authority to issue licences to charitable or religious organizations to conduct and manage lottery schemes\events in accordance with standard terms and conditions. Subsequently the Lottery Licensing Policy Manual issued by the Ministry of Consumer and Commercial Relations provides common provisions relating to the eligibility to conduct lottery events and use of lottery proceeds for all Royal Canadian Legion Branches in Ontario.

Each local Municipal Council has the authority to develop criteria for administering lottery licensing in their Municipality, provided that any such policies and criteria do not conflict with those issued by the Province.

For lottery licensing purposes, Branches and Commands of the Royal Canadian Legion are dealt with in the same manner as general Service Clubs. As a result guidelines governing the use of lottery proceeds by Service Clubs are applied to Branches of the Royal Canadian Legion.

Section 206 of the Criminal Code of Canada makes it an indictable offence to participate in an unlicensed lottery scheme in any manner. Section 207 subsequently provides an exemption for charitable and religious organizations to conduct lottery schemes provided that they are issued a license by the appropriate licensing authority.

Non-Profit-Not Charitable Organizations which raise funds for other charitable and religious organizations or purposes are eligible to be licensed for lottery events. Service Clubs and Branches of the Royal Canadian Legion are eligible for licensing on this basis.

The City of Hamilton licences eligible religious and charitable organizations to conduct various types of raffles, bazaars, bingo events and the sale of break open tickets.

Eligible Use of Lottery Proceeds

Pursuant to the Lottery Licensing Policy Manual Branches of the Royal Canadian Legion are only able to use funds for projects that are consistent with the objects and purposes of the organization. This would include donations to other eligible charitable or religious organizations or for other charitable purposes that include the relief of poverty, the advancement of education, the advancement of religion and other purposes beneficial to the community.

Service Clubs and Branches of the Royal Canadian Legion may also utilize up to 2% of the net proceeds of a lottery event for maintenance and upkeep of their premises if the premises is being used free of charge by other community organizations that have charitable objects and activities. This provision was updated in 2000 to provide for an increased percentage of lottery funds to be retained for building maintenance and upkeep if it could be demonstrated that other charitable organizations are utilizing the facility free of charge more than 2% of the time. Therefore, the amount allowable for maintenance and upkeep could be increased in excess of 2% upon approval of the local licensing authority based upon facility usage.

One additional provision allows Branches of the Royal Canadian Legion who are selling Break Open Tickets from their own premises to pay themselves a maximum of 10% of gross proceeds as rent. Administrative expenses (ticket costs, honorariums, shortages) must be paid out of this 10%. Royal Canadian Legion Branch No.58 is currently licensed to sell Break Open Tickets from their own premises and subsequently may take advantage of the 10% rent provision.

Legion Branch No. 58 – Licensing History

Royal Canadian Legion Branch No. 58 currently holds a Break Open Ticket License issued by the City of Hamilton and routinely receives raffle licenses for various fundraising events.

As previously noted in the case of the Break Open Ticket License, Branch No. 58 may take advantage of the 10% of gross proceeds provision payable to themselves as rent by virtue of selling tickets from their own premises.

It is our understanding based on documents contained in the lottery licensing file of Branch No. 58 that the Branch currently rents out their premises for a fee to other charitable and religious organizations. As such, they may only retain up to 2% of the net proceeds of lottery events held for maintenance of club premises.

Issues, Options and Alternatives

It is our assumption that the focal point of the Legion's concerns surround the inability to retain a greater percentage of lottery licensing proceeds for facility and Legion related costs. To help illustrate this concern we can analyze the proceeds from the sale of one box of break open tickets at the Legion's premises:

Gross proceeds:	$ 1,365
Total prize payout	- 930
Net revenue	$ 435

10% of gross proceeds = $ 136.50 (less ticket costs $58.01) = $ 78.49

Therefore the Branch could retain $ 78.49 as rent payable to themselves.

The provision to allow Legion's to retain 2% of the net proceeds for maintenance of club premises would yield an additional $8.70.

Provincial Guidelines for use of lottery licensing proceeds as it applies to Service Clubs have been established on the premise that for the most part funds raised through lottery licensing should flow through in the form of contributions to other charitable or religious organizations. It is therefore essential that Service Clubs and Branches of the Royal Canadian Legion continue to have in place other fundraising initiatives contributing funds to a general account which could be used to cover more extensive facility and Legion related costs.

The City of Hamilton in its role as Municipal Licensing Authority, has no alternative but to ensure that licensed organizations operate within the confines of the Lottery Licensing Policy Manual established by the Province of Ontario. No Municipal Licensing authority has the option of waiving or amending certain regulations contained in the Policy Manual.

There are potential options available to the Legion by which to address some of their concerns:

- Royal Canadian Legion Branch No.58 could discontinue the practise of charging organizations rent for the use of the Legion's facility thus allowing them to retain in excess of 2% of net proceeds from lottery events for maintenance of club premises. The Branch may determine however, that the amount of rent that they would forego in this situation would be more than could be generated by increasing the percentage of lottery funds that could be retained for maintenance of club premises.
- Royal Canadian Legion Branch No.58 could join with other Branches and lobby the Provincial Command of the Legion to petition the Province of Ontario and the Alcohol and Gaming Commission for Ontario for changes to Municipal Lottery Licensing Guidelines. Potential changes could provide for greater flexibility in the use of lottery proceeds by Branches of the Royal Canadian Legion. At the local level Branches could petition their local Members of Provincial Parliament for similar legislative changes.

At the present time the Alcohol and Gaming Commission for Ontario is in the process of revising the Lottery Licensing Policy Manual and Guidelines for use by Ontario Municipalities. The Royal Canadian Legion Branch No. 58 may find a request of the Provincial Command to address these issues with the AGCO particularly effective at this point in time.

Representatives of the Office of the City Clerk are available to discuss these issues with Branch No.58 representatives at any time.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Under the authority provided to it under the Order in Council of the Province of Ontario the City of Hamilton must comply with established Regulations and Policies for licensing of lottery events within the Municipality.

POLICIES AFFECTING PROPOSAL:

Authority for licensing lottery events in the Province of Ontario is provided for in Section 206 and 207 of the Criminal Code of Canada, an Order in Council established by the Province of Ontario, applicable provisions of the Gaming Services Act and City of Hamilton Lottery Licensing By-law 98-204 as amended.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

In preparation of this Report consultation was undertaken with representatives of the Alcohol and Gaming Commission for Ontario.

CITY STRATEGIC COMMITMENT:

This report is consistent with the following goal of the City's Strategic Plan, specifically;

A Great City in Which to Live – By ensuring the provision of quality municipal services.

.cc Mr. John Clarke
President, Royal Canadian Legion Branch No.58
720-75 Barlake Avenue
Hamilton, Ontario
L8E 1G8

CITY WIDE
IMPLICATIONS

16.2

CITY OF HAMILTON

COMMUNITY SERVICES
City Clerk's Office

Report to:	Mayor and Members Committee of the Whole	**Submitted by**:	Councillor Bill Kelly Chairman, Affordability & Accessibility Issues Task Force
Date:	January 20, 2003	**Prepared by:**	Irene Sturgeon x 5987

SUBJECT: **Terms of Reference**
Affordability & Accessibility Issues Task Force
Report 03-01 (City Wide Implications)

RECOMMENDATION:

That the Terms of for the Affordability & Accessibility Issues Task Force attached as Appendix A to Report 03-001, be approved as presented.

Councillor Bill Kelly, Chairman
Affordability & Accessibility Issues
Task Force Committee

EXECUTIVE SUMMARY:

The Affordability & Accessibility Issues Task Force was established by Council resolution during the 2002 Budget process to work with staff in bringing back recommendations for a program which addresses affordability issues affecting the most vulnerable in our community.

BACKGROUND:

The Affordability & Accessibility Issues Task Force first met in October 2002 and instructed staff to develop a Terms of Reference for the Committee. The Committee held several meetings over the past few months to review the draft submissions. The final Terms of Reference have been approved by the Task Force and are now being presented to Committee of the Whole for their consideration.

ANALYSIS OF ALTERNATIVES:

Not applicable

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Not applicable

POLICIES AFFECTING PROPOSAL:

Not applicable.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Lead staff support from Social and Public Health Services and staff representation from each of the other City Departments.

CITY STRATEGIC COMMITMENT:

Not applicable.

Hamilton

TERMS OF REFERENCE

Affordability & Accessibility Issues Task Force

Mandate:

- To develop a framework for a "City of Hamilton Affordability and Accessibility Strategy", built upon the principles of access and equity for all residents, that would ameliorate or reduce the impact of program or service fees as a barrier to accessing City of Hamilton, programs, services or benefits.

Objectives:

- To define "affordability" (ability to pay) for the purposes of developing a strategy to maintain and/or increase access to City of Hamilton program, services and benefits and to eliminate accessibility barriers to these programs.
- To define scope of programs, services and benefits to be reviewed
- To assess the impact of the New Municipal Act on user fees.
- To develop an inventory of fees charged or waived/subsidised for identified City of Hamilton programs, services and benefits
- To determine what fee subsidies (or process to waive fees) currently exist for City of Hamilton programs, services and benefits, how the subsidies are determined (criteria for eligibility) and administered
- To determine the impact for residents of current fees on ability to access City programs, services and benefits
- To review "best practices" of other municipalities with respect to affordability (ability to pay) of fee for services programs, services and benefits (i.e. barriers to participate in programs, services)
- To develop a framework and strategy for a "City of Hamilton Affordability & Accessibility Strategy" which would eliminate or reduce barriers to accessing City of Hamilton programs, services and benefits through provision of fee subsidies that are determined by the use of consistent criteria, and efficiently administered across the corporation, and are simply accessed by eligible residents
- To develop a framework for monitoring and evaluating the proposed strategy

Proposed Membership:

- Four (4) Councillors
- Lead staff support from Social and Public Health Services
- Staff representatives from other City Departments as required.

Chair:

- A member of City Council will act as Chair

Minutes and Agenda Preparation:

- Minutes and Agenda to be sent out by the Legislative Assistant
- Agenda preparation to be co-ordinated by staff from the Social & Public Health Services Department

Frequency of Meetings:

- The Task Force will meet bi-weekly or at the call of the Chair

Reporting Structure:

- The Chair will sign all reports of the Task Force
- All Task Force reports will go directly to the Committee of the Whole

Time Frame for Committee:

- The Task Force will remain in place until the end of Council (November, 2003)

Review of Terms of Reference:

- The terms will be reviewed with each new term of City Council or at the call of the Chair

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City of Hamilton

AGENDA

COMMITTEE OF THE WHOLE 03-004

Continuation of the February 4, 2003 meeting

Tuesday, February 11, 2003

9:30 a.m.

Council Chamber
Hamilton City Hall
71 Main Street West
Hamilton, Ontario

Kevin C. Christenson
City Clerk

Please note: All cellular telephones and pagers to be switched to a non-audible function during Council and Committee meetings.

Agenda available on-line at www.hamilton.ca
(click on "City Government")

1. DECLARATIONS OF INTEREST

2. COMMUNITY SERVICES

2.1 Hamilton - Scourge Radar Surveillance System (CS03006) (City Wide)

3. FINANCE AND CORPORATE SERVICES

3.1 2002 Year End Receivable Write-offs (FCS03013) (City Wide)

4. PLANNING AND DEVELOPMENT

4.1 Establishment of a Federal Housing Capital Contribution Reserve (PD03021) (City Wide)

5. REPORTS BY SUB-COMMITTEES

5.1 Licensing Committee Report 03-01 - January 15, 2003 (City Wide)

5.1.1 Correspondence received from Mr. Asarhadoun Kattina

5.2 Affordability and Accessibility Issues Task Force Report 03-001 Terms of Reference

6. REPORT REQUESTED BY COMMITTEE

6.1 Resolution respecting First Nations Governance Act (to be distributed)

7. MOTIONS

7.1 Motion by Councillor Merulla

That staff explore utilizing the Community Service Centres as a revenue source for those buildings (i.e. utilizing sponsorships)

7.2 Motion by Councillor A. Horwath

That the City Clerk, on behalf of City Council, undertake an examination of the flow and management of information, and provide Council with advice as to all possible structures and procedures that can be implemented to increase the level of operational and corporate transparency and accountability.

7.3 Motion by Councillor L. Dilanni

That all bid appeals be brought to the Audit Sub-Committee before disposition.

7.4 Motion by Councillor S. Merulla

That the City Manager be directed to report back to Committee of the Whole on the required procedure/process to re-establish the Standing Committee structure.

7.5 Motion by Councillor L. Dilanni

As a term-ending report card, that a complete audit of the amalgamation of 6 municipalities and region into the New City of Hamilton be done to assess the following:

1. Staffing integration and status
2. Systems integration and status
3. Service levels integration and status
4. Governance model and status
5. Management structure and status

That a third party consultant be hired to perform the audit components; and that the provincial government be requested to fund such a study; and that the consultant report to a Council steering Committee made up of the following Councillors:.......

8. NOTICES OF MOTIONS

None

9. GENERAL INFORMATION

None

10. PRIVATE AND CONFIDENTIAL

10.1 Tandi Construction Block 9 Litigation

11. ADJOURNMENT

SECTION 2

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

2.1

COMMUNITY SERVICES
Culture & Recreation

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	William E. Fenwick, Acting General Manager
Date:	January 15, 2003	**Prepared by:**	Anna M. Bradford 546-3967

SUBJECT: Hamilton - Scourge Radar Surveillance System (CS03006) (City Wide)

RECOMMENDATION:

(a) That Aquatic Sciences Inc. (ASI), Project Managers for the Hamilton-Scourge is authorized to design and install a Radar Surveillance System, as per Appendix A attached hereto report CS03006, to monitor and safeguard the Hamilton–Scourge site;

(b) That the cost of the Radar Surveillance System not to exceed $140,000;

(c) That the city financial commitment for the Radar Surveillance System be $90,000;

(d) That the additional $50,000 cost be funded through confirmed private donations;

(e) That funds allocated in 2002 Capital Budget 710025102 for the Museum Digitization Project ($90,000) be reallocated to fund the Hamilton-Scourge Radar Surveillance System;

(f) That the annual operating cost of the system $2,500 be funded from the Hamilton-Scourge Operation Budget 720600.

William E. Fenwick, Acting General Manager
Community Services Department

EXECUTIVE SUMMARY:

With the advent of "mixed-gas" diving technology and the fact that it has become affordable and can easily be undertaken by recreational divers, many deep water shipwreck sites (i.e., in greater than 120 feet water depth) are now within easy reach. The Hamilton-Scourge site in Lake Ontario is an archeologically significant site that fits in this category. As with every group of people with a common interest, there are those with good intentions and those with bad intentions. Recreational divers with good intentions could inadvertently alter or disrupt the archaeological record of the Hamilton-Scourge site by accidentally damaging or moving artifacts. Recreational divers with bad intentions can easily undertake looting and vandalism of the Hamilton-Scourge site.

The Hamilton-Scourge Radar Surveillance System is a MT-Tracker, which will detect stationary intrusions and track their destination. Should a target remain in the designated area longer than 15 minutes, an alarm will be initiated by the system. This alarm, by dedicated pagers, will inform ASI, the Niagara Regional Police Marine Division, and the Canadian Coast Guard.

The City of Hamilton, as owner and steward of this National Historic Site, has a responsibility to the peoples of Canada to ensure the protection of this national treasure.

The Museums Digitization Project has been put on hold. Funds can be sourced for this project from federal and private grants when the project resumes.

The recommendations are to reallocate dollars from the Museum Digitization Project to the Hamilton-Scourge Radar Surveillance Project.

BACKGROUND:

Efforts to find the site of the vessels began in 1971 under the auspices of the Royal Ontario Museum. The driving force was Dr. Dan Nelson, a St. Catharines dentist with assistance from the Canada Centre for Inland Waters. The location of the site was confirmed in 1975.

The ROM, at that time in the midst of a major renovation, decided that the project lay outside its mandate. For a time, it looked as if no one would take responsibility for managing the archaeological site. At that point, Mayor John A. MacDonald and Alderman William McCulloch stepped forward and committed the City of Hamilton to taking the leadership role.

Accordingly, ownership of the vessels was transferred (requiring both an Act of Congress and provincial legislation) to the City in 1980. The City created the Hamilton and Scourge Foundation Inc. in 1981 for the purpose of fundraising and disbursement for the project. Significant dive projects have been carried out on the site in 1980, 1982 and 1991.

It is worthwhile reviewing the responsibilities of the various levels of government as they relate to this project:

- **US government**. No legislative responsibility. The city agreed, under the terms of the transfer, to return all human remains to the US government. Naturally, the sensitivities associated with war dead must be respected.

- **Ontario government**. Although archaeological sites are a provincial responsibility, the Ontario Heritage Act does not require any direct involvement by the Ministry of Culture or the Ontario Heritage Foundation. Archaeologists must be licensed through the Ontario Heritage Foundation but the Ministry is not required to conduct or fund archaeological work or participate in on-going management of the site.
- **Former Regional Municipality/Old City of Hamilton**. The City of Hamilton has managed the project since 1981, most recently as part of the Culture Division. In the early 1980s, the Regional Municipality of Hamilton-Wentworth and the Hamilton Region Conservation Authority set aside a site in Confederation Park for the display of the recovered vessels. A number of marketing and business planning studies were carried out in the 1980s.
- **Federal Government**. The Historic Sites and Monuments Board of Canada designated the vessels as a National Historic Site in 1976. Therefore, Parks Canada has a mandate to assist in the long-term management of the site.

In 1998, the city applied for and received funding ($1,340,000) from the Department of Canadian Heritage as a contribution to the Hamilton and Scourge Ghost Ships Millennium Project. The funds become available when the City raises a matching figure. The Millennium Project would lead an archaeological project to the site and develop recommendations for the long-term preservation of the site.

In 2001, it was confirmed that the funds were still available and that Parks Canada was interested in acting as the project archaeologists. Parks Canada staff from several different departments feels a strong ethical responsibility to be involved in sustaining the integrity of the site but is under no legislative requirement.

Significance of the Vessels. Sites become National Historic Sites because they incorporate a heritage that is not just interesting but cannot be found anywhere else.

The Hamilton and Scourge provide an unprecedented insight into life in the maritime community of Lake Ontario. Built as civilian vessels but pressed into service in the war, they are entirely typical of their time.

Hamilton was and is a port city. Ships indistinguishable from the Hamilton and Scourge crowded the city's harbourfront throughout the 19th century. The vessels are the best resource to discover and preserve that part of the City's heritage, while recognizing that neither vessel was built in or sailed from Hamilton.

Similar ships fought on both sides throughout the war. After the Rush Bagot Treaty, following the war, no warship of any significance size was allowed on the Great Lakes. The Hamilton and Scourge document the short military era.

The fact is that nothing comparable to the Hamilton and Scourge survives anywhere to document life on Lake Ontario from this era. Like Dundurn Castle, the Hamilton Waterworks (Hamilton Museum of Steam and Technology), Whitehern, Battlefield House all are “one of a kind.”

Whatever the challenges of the project, Hamilton is extremely fortunate to have opportunity to preserve the Hamilton and Scourge site.

The City of Hamilton remains involved in the project because:

- Having made a commitment, the city has an ethical obligation to ensure that a nationally significant part of Canada's heritage is managed in an appropriate manner.
- The Hamilton Civic Museums have a well-earned reputation for excellence in the preservation and communication of heritage. Outside of Toronto, we are the largest municipal heritage operation in the Province. In this part of Ontario, we are larger and have more heritage resources than either of the Provincial or Federal governments. We are, in short, the best people for the job.
- The potential tourist impact is quite significant. Although it is by no means clear that raising either of the vessels is in their best interest, other projects (including replicas, IMAX theatres, interactive heritage displays) have real potential to attract and hold tourists. The *Hamilton* and *Scourge* have an important place in a larger tourism strategy.

ANALYSIS OF ALTERNATIVES:

N/A

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial: Project will result in an annual operating expenditure of $2,500. This will be expensed from the current Hamilton-Scourge Operation Budget 720600.
Staffing: No staffing implications.
Legal: No legal implications.

POLICIES AFFECTING PROPOSAL:

Effects Purchasing Policy #11

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

N/A

CITY STRATEGIC COMMITMENT:

The project impacts the following Strategic Goals:

1. A Great City in which to Live
2. A City Where People Come First
3. A City that Spends Wisely and Invests Strategically
4. A City of Choice for High Performance Public Servants

APPENDIX A

CITY OF HAMILTON
HAMILTON, ONTARIO
RADAR SURVEILLANCE SYSTEM
HAMILTON-SCOURGE SITE
ASI Project R20392
January 14, 2003

Project Description

With the advent of "mixed-gas" diving technology and the fact that it has become affordable and can easily be undertaken by recreational divers, many deep water shipwreck sites (i.e., in greater than 120 feet water depth) are now within easy reach. The *Hamilton-Scourge* site in Lake Ontario is an archeologically significant site that fits in this category. As with every group of people with a common interest, there are those with good intentions and those with bad intentions. Recreational divers with good intentions could inadvertently alter or disrupt the archaeological record of the *Hamilton-Scourge* site by accidentally damaging or moving artifacts. Recreational divers with bad intentions can easily undertake looting and vandalism of the Hamilton-Scourge site. Rumour has it, in the diving community, that the *Hamilton-Scourge* site has already been visited by recreational divers. This underscores the need for aggressive attention to the protection of these valuable and non-renewable resources. Their protection becomes ever more crucial to future research and public appreciation. Surveillance of the *Hamilton-Scourge* site has become imperative in order to safeguard the site under the City of Hamilton's stewardship and to prevent unnecessary damage to the site, whether intentional or not.

Our consultant, ASI Group Ltd. (ASI) will work in conjunction with Sicom Systems Ltd. (SICOM) to develop and install a state-of-the-art radar surveillance system. Our consultant has undertaken a review of the system requirements and available technologies. They have determined that a new low-cost radar surveillance system could be developed and implemented that would not only detect stationary intrusions but also track their destination after they leave the site, allowing for contact by authorities if required.

ASI will use a standard, commercial-off-the-shelf, marine radar. These radars are inexpensive and readily available from a number of manufacturers. Beam width gating and range gating will permit monitoring of an area approximately 1 km by 1 km that encompasses the *Hamilton-Scourge* site (*see Figure 1 – Site Plan*). ASI will erect a tower for the radar antenna, with a height of approximately 20 metres above the level of Lake Ontario, at their head office located in St. Catharines, Ontario. The ASI office is in close proximity to the *Hamilton-Scourge* site and, with sufficient antenna height should permit a clear line of site to the surveillance area. The ASI office is a secure site and all computer power and networking requirements for the system are available on site. ASI staff would be able to monitor and maintain the system on a regular basis. The system will have built-in test points and any failures will be reported to a designated person or default list.

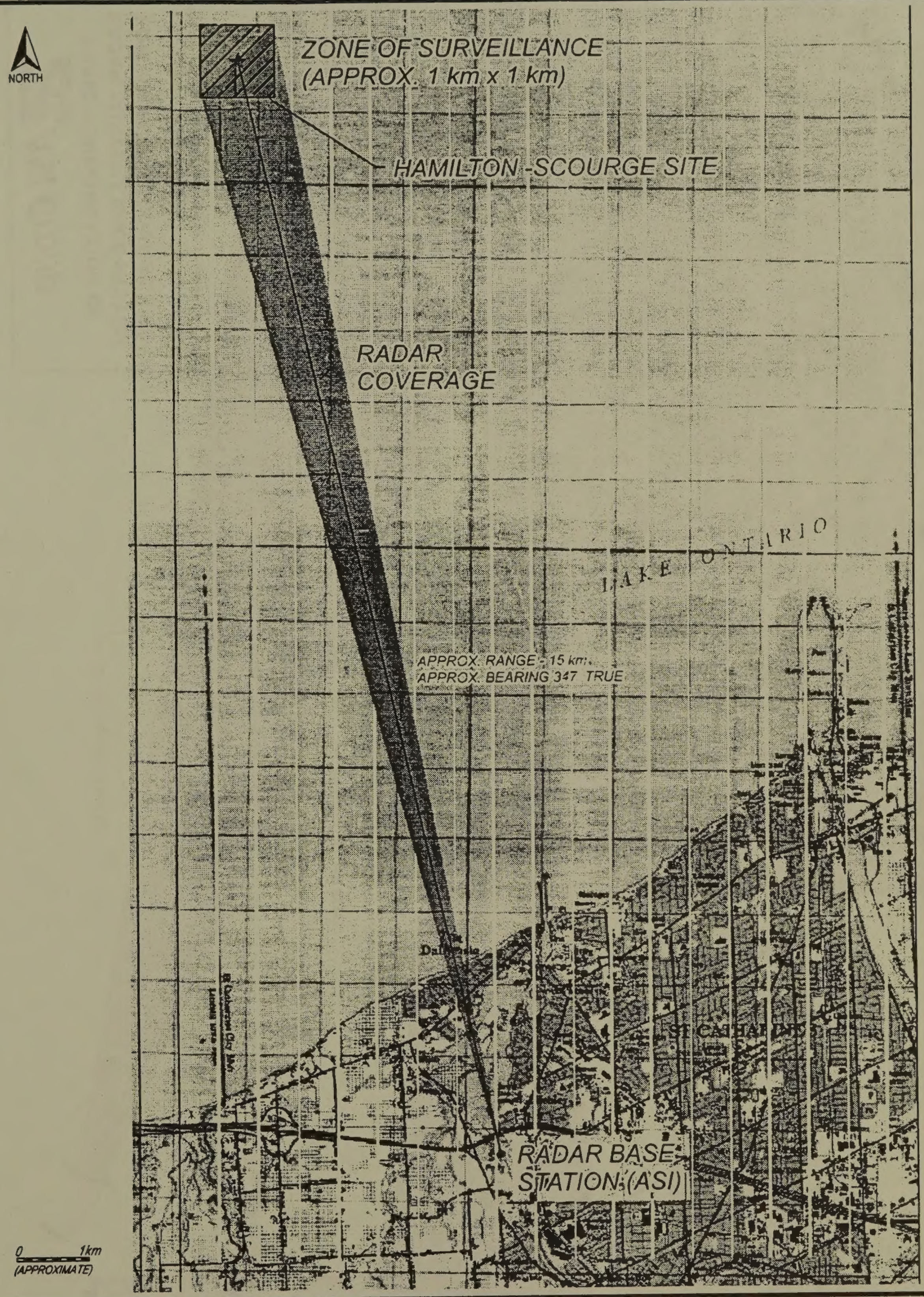
The basic configuration of the radar surveillance system is provided in Figure 2.

To improve small-target (small craft) detection capability, the associated radar signal processing needs to be significantly altered. This will be accomplished by accessing the raw radar signal through the use of a radar capture card. The data provided by the radar capture card will be operated on by a real-time, software radar signal processor which has optimized processing suitable for detecting small targets/craft. Numerous false alarms caused by surface clutter (i.e., radar backscatter from the water surface) will also be captured along with the actual targets of interest. MT-Tracker, a software application developed by SICOM, will be modified and used to make sense of the radar plots and to determine which ones relate to real targets, and which ones relate to false alarms caused by surface clutter. MT-Tracker builds tracks for valid targets and maintains track histories containing target motion information. At any instant in time, these track histories can provide situational awareness of the recent activity in the vicinity of interest.

Monitoring would be on a continuous 24-hour basis. A characteristic of the target vessel must be defined that distinguishes it from one just passing through the surveillance window. The preferred characteristic would be time on site. If a suitable target were detected, an alarm notification would be transmitted to designated persons or a default list via telephone, email, or facsimile transmission. The alarm could be transmitted to the Niagara Regional Police Marine Division, the Canadian Coast Guard, a City of Hamilton representative, an ASI representative or any other designated party. Arrangements would have to be made with these authorities for participation with this program. The designated person(s) would have to acknowledge receipt of this information. If acknowledgement is not received a call-up default list will be used to contact an alternative designated person.

In addition to the ability to detect valid targets in the surveillance zone, this system will also be able to determine what direction individual valid targets came from and went to after their initial detection. This target motion information is determined by MT-Tracker using the track histories. This target motion information could also be available to designated personnel.

A detailed operations and service manual with operating protocol would be prepared and form part of the system.


NORTH
ZONE OF SURVEILLANCE
(APPROX. 1 km x 1 km)
HAMILTON -SCOURGE SITE
RADAR
COVERAGE
LAKE ONTARIO
APPROX. RANGE - 15 km
APPROX. BEARING 347 TRUE
ST CATHARINES
RADAR BASE
STATION (ASI)
0 1km
(APPROXIMATE)

CITY OF HAMILTON

ASI PROJECT R20392

RADAR SURVEILLANCE SYSTEM
HAMILTON - SCOURGE SITE
LAKE ONTARIO

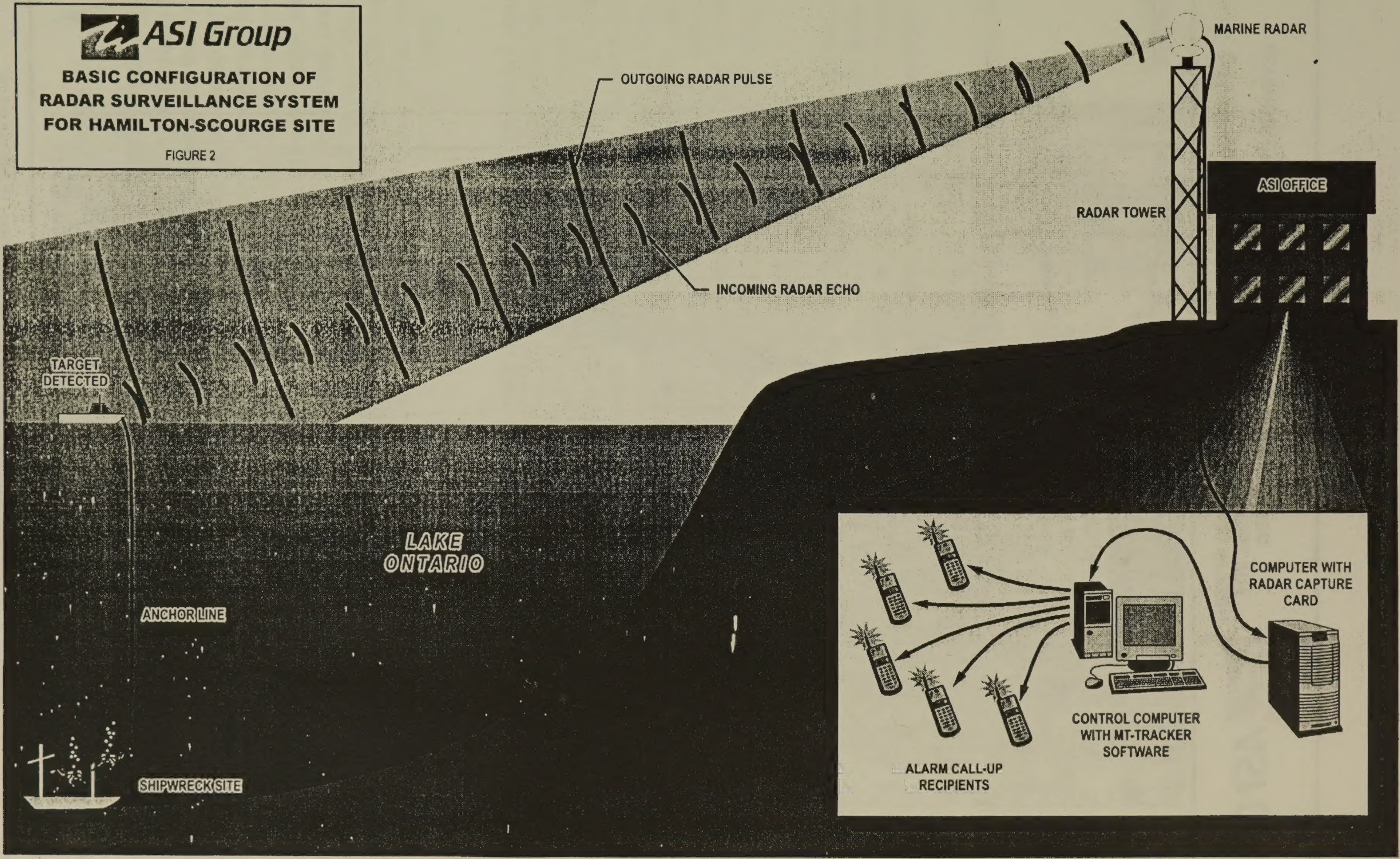
FIGURE 1

ASI Group

ASI Group

BASIC CONFIGURATION OF RADAR SURVEILLANCE SYSTEM FOR HAMILTON-SCOURGE SITE

FIGURE 2


MARINE RADAR
OUTGOING RADAR PULSE
ASI OFFICE
RADAR TOWER
INCOMING RADAR ECHO
TARGET DETECTED
LAKE ONTARIO
COMPUTER WITH RADAR CAPTURE CARD
ANCHOR LINE
CONTROL COMPUTER WITH MT-TRACKER SOFTWARE
ALARM CALL-UP RECIPIENTS
SHIPWRECK SITE

SECTION 3

CITY WIDE IMPLICATIONS

3.1

CITY OF HAMILTON

FINANCE & CORPORATE SERVICES
Revenues Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Joseph L. Rinaldo, General Manager
Date:	January 14, 2003	**Prepared by:**	Frank Carrocci Director of Revenues 905-546-2058

SUBJECT: 2002 Year End Receivable Write-offs - (FCS03013) - (City Wide)

RECOMMENDATION:

(a) That Council direct the write-off of uncollectible tax arrears, water/sewer arrears, and miscellaneous receivables at year-end 2002 by eliminating the following amounts:

i) Ministry of the Environment charges levied and collectible in the same manner as taxes on 363 Wellington Street North (former Plastimet site), deemed to be uncollectible as per the Treasurer's recommendation pursuant to section 354 of the Municipal Act, 2001 totalling $5,499,439.63 plus applicable interest charges; and

ii) Taxes deemed to be uncollectible as per the Treasurer's recommendation pursuant to section 354 of the Municipal Act, 2001 totalling $1,365,881.28 plus applicable interest charges; and

iii) Water & Sewer arrears totalling $107,227.59 plus related financial charges; and

iv) Miscellaneous accounts receivable totalling $180,609.48 plus related financial charges.

Joseph Rinaldo

Joseph L. Rinaldo, General Manager
Finance & Corporate Services

EXECUTIVE SUMMARY:

Staff have determined that a number of accounts receivables in the water/sewer accounts, miscellaneous receivables, and taxes are uncollectible for various reasons as discussed below. It is appropriate that these amounts be stricken from the accounts in order to ensure that the financial records accurately reflect amounts that can be reasonably expected to be collected.

BACKGROUND:

Taxes Receivable:

The tax trial balance currently includes amounts as receivable for 20 properties that have either been vested in the name of the City over the past several years or are uncollectible as a result of duplicate assessments and irreversible errors in process.

	Tax Write-Off
MOE Charges	$ 5,499,439.63
Vested Properties (now City owned)	$ 1,278,344.29
Other	$ 87,536.99
Total:	$ 6,865,320.91

Net taxes being recommended for write-off pursuant to section 354 of the Municipal Act, 2001 as uncollectible to be written to the City's accounts will amount to $751,792.17 plus applicable interest charges following the transfer of amounts that were originally levied on behalf of the various school boards and the Ministry of Environment costs for the Plastimet clean-up.

Water/Sewer Accounts Receivables:

There are currently 364 accounts totalling $107,227.59 for water/sewer arrears on terminated accounts. Most of these accounts date back to 1999, and all collection actions have been exhausted. The accounts have been transferred to collection agencies working on the City's behalf and should any portion of the arrears be realized through these activities in the future the amounts received will be credited back to the water/sewer accounts as miscellaneous water/sewer revenues.

Miscellaneous Receivables:

A total of $180,609.48 plus financing charges pertaining to 50 accounts that are uncollectible should be written off. As with other receivables these accounts have been transferred to collection agencies, or in some cases legal remedy has been sought but to no avail. In many cases, the corporate entity has either gone through bankruptcy or disappeared. Should any amounts be realized in regards to these accounts in the future they will be credited to miscellaneous general revenues.

ANALYSIS OF ALTERNATIVES:

All avenues of collection in regards to the receivables being recommended for write-off have been exhausted.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Amounts recommended for write-off will be charged to the various reserves allowances that have been established for this purpose.

POLICIES AFFECTING PROPOSAL:

Generally accepted accounting principles dictate that the City's accounting records reflect only amounts that are reasonably collectible.

Section 354 of the Municipal Act, 2001 permits the write-off of tax arrears that are deemed to be uncollectible, and the Municipal Tax Sales Act further requires that where properties are vested in the municipality pursuant to unsuccessful sales such amounts are to be written off.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Not applicable.

CITY STRATEGIC COMMITMENT:

Accounting principles require that the City reflect amounts that are realistically collectible in its books of record. By making the adjustments necessary the total receivable amounts will be reduced and impact on the City's overall economic well being through improved credit ratings.

Appendix A to Report
FCS03013

TAX WRITE-OFFS UNDER SECTION 354 MUNICIPAL ACT, 2001

Roll No.	Property Address	Tax	Reason
010 092 57860	5 Fanning St	$ 8,374.00	vested to City May 1999
020 143 50370	124 Walnut St S	136,757.58	vested to City July 2001
020 171 08900	361 Wellington St N	196,965.53	vested to City July 2002
020 171 08930	363 Wellington St N	5,506,787.26	vested to City July 2002
020 171 09020	371 Wellington St N	464,438.19	vested to City July 2002
020 152 51580	ooo King St E	6,658.70	exempt from 1997
030 203 06063	432 Main St E #103	46,633.85	vested to City July 2002
030 231 51560	15 Sanford Ave s	5,909.82	section 442 appeal
030 232 56230	735 King St E	76,651.14	Section 210 exemption
030 233 06040	286 Sanford Ave N	255,348.78	vested to City July 2001
030 271 00490	382 Sherman Ave N	12,170.65	vested to City May 1998
030 272 02500	00 Burlington St E	78,885.04	vested to City July 2002
040 313 50760	236 Ottawa St N	26,084.95	vested to City in May 1999
050 403 07750	720 Dunn Ave	2,274.66	mis-applied payment after change of ownership for
050 531 09546	416 Montmorency	1,022.42	duplicate assessment
060 761 02216	00 Broughton Ave	1,436.65	vested to City June 1997
060 761 02210	00 Broughton Ave	308.04	vested to City June 1997
081 061 06722	772 Upper Paradise	4,731.65	vested to City July 2002
140 510 41400	137 Carluke Rd W	1,678.95	property severed in 1999 sold with clear tax certificate
260 120 00100	00 Governors Rd	32,203.05	property deeded to Dundas should be exempt

Total	**$ 6,865,320.91**
Less: MOE costs added to Plastimet	$ (5,499,439.63)
Education share	(614,089.11)
Net City Share	**$ 751,792.17**

SECTION 4

CITY WIDE IMPLICATIONS

4.1

CITY OF HAMILTON

PLANNING AND DEVELOPMENT DEPARTMENT
Housing Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date: **File:**	January 16, 2003 FHCC-1	**Prepared by:**	Mark Mascarenhas (905) 546-4604

SUBJECT: **Establishment of a Federal Housing Capital Contribution Reserve (PD03021)(City Wide)**

RECOMMENDATION:

(a) That a Federal Housing Contribution Reserve be established and funded with current total Federal contributions of $3,791,218; and,

(b) That future Federal contributions be allocated to the Federal Housing Contribution Reserve.

Lee Ann Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

As part of its devolution of housing to the Province of Ontario and subsequent devolution to municipalities, the Federal Government is committed to continue its funding of Federally sponsored projects until expiry of project operating agreements. In Hamilton, that contribution averages $22.5 M annually, a portion approximating $400,000 of which is for capital repair. As part of the Federal devolution to Ontario, the Federal Government made a one-time capital contribution of $58M to Ontario for distribution to Municipal Service Managers. Hamilton's initial share was $3,038,800 and was subsequently topped up. The total is now $3,791,218. It is recommended that this contribution be placed in a City reserve for utilization as and when needed for the social housing stock.

BACKGROUND:

The devolution of social housing to the municipalities has resulted in funding uncertainties in the area of future capital repair costs. The Federal Government, in an effort to address this issue, allocated a total one-time payment of $58M to the Province as part of their Federal obligation to Social Housing. The City received $3,038,800 out of this allocation. These funds are to be used for housing programs as defined in Schedule C of the Social Housing Agreement (public housing, rent supplement, federal projects, provincial projects, and cost shared projects).

The Federal Government also provides approximately $22.5M to meets its annual obligation for Social Housing. The 2002 allocation contains $752,418 that the Province has designated as non-operational. It is estimated that the future annual federal allocations will contain approximately $400,000 of non-operational revenue. The Province has recommended that these excess funds be allocated to a reserve to help meet future capital needs. Housing staff recommends same.

The technical audit of social housing stock to be undertaken in 2003 will identify long-term capital needs gaps and a further report to Committee will be made when the audit is completed.

ANALYSIS OF ALTERNATIVES:

There are no viable alternatives to the recommendation. This reserve is fully funded by the Federal Government.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial – The one-time funding of $3,038,800, plus annual contributions, are Federal contributions to the social housing capital reserve.

Staffing – None

Legal – Social Housing Reform Act, Section 5 and Schedule C.

POLICIES AFFECTING PROPOSAL:

N/A

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Housing Division staff consulted with:

- Staff from the Finance and Corporate Services Department
- The Provincial Ministry of Municipal Affairs and Housing

CITY STRATEGIC COMMITMENT:

Approval and implementation of the Federal Housing Capital Contribution Reserve fund supports the following goals of the City's Strategic Plan:

A City that spends wisely and invests strategically
b) Best Practices – Best Value
"Council will pursue best practice to lower the cost of government and ensure best value in service delivery. It is recognized that best value is not just a calculation of dollars: it also includes accountability, service quality, accessibility and other community priorities which must be taken into account as per Council policy.

MM/dk

SECTION 5

CITY WIDE IMPLICATIONS

5.1

CITY OF HAMILTON

FINANCE AND CORPORATE SERVICES DEPARTMENT
Office of the City Clerk

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Councillor Sam Merulla on behalf of the City of Hamilton Licensing Committee
Date:	January 17 2002	**Prepared by:**	Stella Glover 546-3993

SUBJECT: **Licensing Committee Report 03-01 – January 15, 2003 (City Wide)**

RECOMMENDATION:

(a) **Proposed Promotional Activity by Hamilton Co-operative Taxi Inc.** (Item 3.1)

That the request by Hamilton Co-operative Taxi Inc. to operate a promotional activity from January 15 to July 15, 2003, by offering $1.00 per fare discount coupons to all customers, be granted.

(b) **Mohamed A. Abdelrahman – Taxi Cab Driver Licence** (Item 4.1)

That the Taxi Cab Driver Licence renewal application of Mohamed A. Abdelrahman be granted subject to the following condition:

Submission of an updated driving abstract to the Issuer of Licences at six month and one year intervals from the date of issuance of the licence.

(c) **Asarhadoun Kattina – Taxi Cab Driver Licence** (Item 4.2)

That the Taxi Cab Driver Licence of Asarhadoun Kattina be revoked as a result of the licensee incurring further demerit points for speeding while operating under a conditional licence.

(d) **Adult Entertainment Parlour Licence Application** (Item 4.3)

That the Adult Entertainment Parlour Licence application of Erin Skirving be granted subject to the following condition:

Submission of an updated police record to the Issuer of Licences in six months from the date of issuance of the licence.

(e) **Royal Canadian Legion – Eligible Use of Lottery Proceeds (City Wide)** (Item 5.1)

(i) That Information Report 03-01 by the City Clerk dated January 7, 2003, respecting the eligible use of lottery proceeds by Royal Canadian Legion Branches be received; and,

(ii) That a copy of any submission from the Royal Canadian Legion Branch No. 58 to the Alcohol and Gaming Commission for Ontario regarding the eligible use of lottery licensing proceeds be presented to City Council for their endorsement and support.

S Merulla

Councillor Sam Merulla, Chairman
City of Hamilton Licensing Committee

EXECUTIVE SUMMARY:

The Committee based its recommendations on staff recommendations and, with respect to Items (b), (c) and (d), on the testimony of the applicants and upon the applicants' driving and/or police records.

BACKGROUND:

Representatives of Hamilton Co-operative Taxi Inc. attended before the Licensing Committee in support of their application to operate a pilot promotional activity for a six months period. This scheme is to be available to all and the taxi cab drivers will be fully compensated.

Applicants Mohamed A. Abdelrahman and Erin Skirving had been denied licences by the Issuer of Licences and therefore appeared before the Licensing Committee at their own request, to appeal the decisions.

Taxi Cab Driver Asarhadoun Kattina was called to appear before the Licensing Committee to Show Cause why his Taxi Cab Driver Licence should not be revoked due to his incurrence of further driving infractions while operating under a conditional licence.

(Confidential Background Information with regard to Show Cause Hearings is available to Members of Council from the Secretary of the Licensing Committee upon request).

City Clerk Information Report 03-01 dated January 7, 2003, respecting the eligible use of lottery proceeds by Royal Canadian Legion Branches is attached hereto as Appendix “A”

ANALYSIS OF ALTERNATIVES:

See Appendix “A”

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

See Appendix “A”

POLICIES AFFECTING PROPOSAL:

See Appendix “A”

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

See Appendix “A”

CITY STRATEGIC COMMITMENT:

See Appendix “A”

Cc: Councillor Bill Kelly, Ward 7
Doug Rose, Manager of Licensing and Standards
Darryl Lee, Deputy Clerk/Manager of Elections

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

Finance and Corporate Services Department
City Clerk’s Division

Report to:	Chairman and Members, City of Hamilton Licensing Committee	**Submitted by:**	Kevin Christenson, City Clerk
Date:	January 7, 2003	**Prepared by:**	Darryl Lee 540-5434

SUBJECT: Royal Canadian Legion - Eligible Use of Lottery Proceeds (City Wide)

RECOMMENDATION:

That Information Report No. 03-01 respecting the eligible use of lottery proceeds by Royal Canadian Legion Branches be received.

Kevin Christenson, City Clerk
Finance & Corporate Services

BACKGROUND:

At it's meeting held November 20, 2002 representatives of Royal Canadian Legion Branch No. 58 attended the Licensing Committee to express concerns relating to the requirement to obtain a Municipal License for certain lottery events, as well as the allowable use of proceeds from lottery events. This Information Report will address these and other general issues surrounding the use of lottery proceeds by Branches of the Royal Canadian Legion.

Regulatory Framework

An Order in Council of the Provincial Government provides each Municipal Council the authority to issue licences to charitable or religious organizations to conduct and manage lottery schemes\events in accordance with standard terms and conditions. Subsequently the Lottery Licensing Policy Manual issued by the Ministry of Consumer and Commercial Relations provides common provisions relating to the eligibility to conduct lottery events and use of lottery proceeds for all Royal Canadian Legion Branches in Ontario.

Each local Municipal Council has the authority to develop criteria for administering lottery licensing in their Municipality, provided that any such policies and criteria do not conflict with those issued by the Province.

For lottery licensing purposes, Branches and Commands of the Royal Canadian Legion are dealt with in the same manner as general Service Clubs. As a result guidelines governing the use of lottery proceeds by Service Clubs are applied to Branches of the Royal Canadian Legion.

Section 206 of the Criminal Code of Canada makes it an indictable offence to participate in an unlicensed lottery scheme in any manner. Section 207 subsequently provides an exemption for charitable and religious organizations to conduct lottery schemes provided that they are issued a license by the appropriate licensing authority.

Non-Profit-Not Charitable Organizations which raise funds for other charitable and religious organizations or purposes are eligible to be licensed for lottery events. Service Clubs and Branches of the Royal Canadian Legion are eligible for licensing on this basis.

The City of Hamilton licences eligible religious and charitable organizations to conduct various types of raffles, bazaars, bingo events and the sale of break open tickets.

Eligible Use of Lottery Proceeds

Pursuant to the Lottery Licensing Policy Manual Branches of the Royal Canadian Legion are only able to use funds for projects that are consistent with the objects and purposes of the organization. This would include donations to other eligible charitable or religious organizations or for other charitable purposes that include the relief of poverty, the advancement of education, the advancement of religion and other purposes beneficial to the community.

Service Clubs and Branches of the Royal Canadian Legion may also utilize up to 2% of the net proceeds of a lottery event for maintenance and upkeep of their premises if the premises is being used free of charge by other community organizations that have charitable objects and activities. This provision was updated in 2000 to provide for an increased percentage of lottery funds to be retained for building maintenance and upkeep if it could be demonstrated that other charitable organizations are utilizing the facility free of charge more than 2% of the time. Therefore, the amount allowable for maintenance and upkeep could be increased in excess of 2% upon approval of the local licensing authority based upon facility usage.

One additional provision allows Branches of the Royal Canadian Legion who are selling Break Open Tickets from their own premises to pay themselves a maximum of 10% of gross proceeds as rent. Administrative expenses (ticket costs, honorariums, shortages) must be paid out of this 10%. Royal Canadian Legion Branch No.58 is currently licensed to sell Break Open Tickets from their own premises and subsequently may take advantage of the 10% rent provision.

Legion Branch No. 58 – Licensing History

Royal Canadian Legion Branch No. 58 currently holds a Break Open Ticket License issued by the City of Hamilton and routinely receives raffle licenses for various fundraising events.

As previously noted in the case of the Break Open Ticket License, Branch No. 58 may take advantage of the 10% of gross proceeds provision payable to themselves as rent by virtue of selling tickets from their own premises.

It is our understanding based on documents contained in the lottery licensing file of Branch No. 58 that the Branch currently rents out their premises for a fee to other charitable and religious organizations. As such, they may only retain up to 2% of the net proceeds of lottery events held for maintenance of club premises.

Issues, Options and Alternatives

It is our assumption that the focal point of the Legion's concerns surround the inability to retain a greater percentage of lottery licensing proceeds for facility and Legion related costs. To help illustrate this concern we can analyze the proceeds from the sale of one box of break open tickets at the Legion's premises:

Gross proceeds:	$ 1,365
Total prize payout	- 930
Net revenue	$ 435

10% of gross proceeds = $ 136.50 (less ticket costs $58.01) = $ 78.49

Therefore the Branch could retain $ 78.49 as rent payable to themselves.

The provision to allow Legion's to retain 2% of the net proceeds for maintenance of club premises would yield an additional $8.70.

Provincial Guidelines for use of lottery licensing proceeds as it applies to Service Clubs have been established on the premise that for the most part funds raised through lottery licensing should flow through in the form of contributions to other charitable or religious organizations. It is therefore essential that Service Clubs and Branches of the Royal Canadian Legion continue to have in place other fundraising initiatives contributing funds to a general account which could be used to cover more extensive facility and Legion related costs.

The City of Hamilton in its role as Municipal Licensing Authority, has no alternative but to ensure that licensed organizations operate within the confines of the Lottery Licensing Policy Manual established by the Province of Ontario. No Municipal Licensing authority has the option of waiving or amending certain regulations contained in the Policy Manual.

There are potential options available to the Legion by which to address some of their concerns:

- Royal Canadian Legion Branch No.58 could discontinue the practise of charging organizations rent for the use of the Legion's facility thus allowing them to retain in excess of 2% of net proceeds from lottery events for maintenance of club premises. The Branch may determine however, that the amount of rent that they would forego in this situation would be more than could be generated by increasing the percentage of lottery funds that could be retained for maintenance of club premises.

- Royal Canadian Legion Branch No.58 could join with other Branches and lobby the Provincial Command of the Legion to petition the Province of Ontario and the Alcohol and Gaming Commission for Ontario for changes to Municipal Lottery Licensing Guidelines. Potential changes could provide for greater flexibility in the use of lottery proceeds by Branches of the Royal Canadian Legion. At the local level Branches could petition their local Members of Provincial Parliament for similar legislative changes.

At the present time the Alcohol and Gaming Commission for Ontario is in the process of revising the Lottery Licensing Policy Manual and Guidelines for use by Ontario Municipalities. The Royal Canadian Legion Branch No. 58 may find a request of the Provincial Command to address these issues with the AGCO particularly effective at this point in time.

Representatives of the Office of the City Clerk are available to discuss these issues with Branch No.58 representatives at any time.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Under the authority provided to it under the Order in Council of the Province of Ontario the City of Hamilton must comply with established Regulations and Policies for licensing of lottery events within the Municipality.

POLICIES AFFECTING PROPOSAL:

Authority for licensing lottery events in the Province of Ontario is provided for in Section 206 and 207 of the Criminal Code of Canada, an Order in Council established by the Province of Ontario, applicable provisions of the Gaming Services Act and City of Hamilton Lottery Licensing By-law 98-204 as amended.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

In preparation of this Report consultation was undertaken with representatives of the Alcohol and Gaming Commission for Ontario.

CITY STRATEGIC COMMITMENT:

This report is consistent with the following goal of the City's Strategic Plan, specifically;

A Great City in Which to Live – By ensuring the provision of quality municipal services.

.cc Mr. John Clarke
President, Royal Canadian Legion Branch No.58
720-75 Barlake Avenue
Hamilton, Ontario
L8E 1G8

5.1.1

City Clerk - Kevin Christenson.
Mayor and Member of City council.
City Hall.
71 Main Street West
Hamilton - ontario.

Dear Mr: Christenson:

On February 4, 2003 the Committee of the Whole will be dealing with a recommendati from the city of Hamilton Licensing committee to revoke my License as a result of me incurring further demerit points for speeding while operating under a conditional licence, this decision will then be forwarded to the City council at its meeting to be held on Wednesday, February 12, 2003.

I am therefore requesting that I be given a chance to not have my Licence revoked as I still have 3 points on my record and will be receiving the 4 left on the 23rd of February of 2003. I don't feel that my record is that bad that my License be revoked. This is the only source of employment for me and I do have responsibilities at home and my spouse and I are also expecting our first child.

I am requesting that you please forward a letter of recommendation ~~that~~ to the City of Council that my License not be revoked and I be given a second chance or another hearing with the Committee of the Whole.

I thank you for your time and patience in this matter and I look forward to hearing from you.

Yours truly,

Asarhadoun Kattha

631 up James st unit 203
Hamilton-ont L9C 2Y9

Tel 905 318 5084
905 318 9675

CITY WIDE
IMPLICATIONS

5.2

CITY OF HAMILTON

COMMUNITY SERVICES

City Clerk's Office

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Councillor Bill Kelly Chairman, Affordability & Accessibility Issues Task Force
Date:	January 20, 2003	**Prepared by:**	Irene Sturgeon x 5987

SUBJECT: **Terms of Reference**
Affordability & Accessibility Issues Task Force
Report 03-01 (City Wide Implications)

RECOMMENDATION:

That the Terms of for the Affordability & Accessibility Issues Task Force attached as Appendix A to Report 03-001, be approved as presented.

Councillor Bill Kelly, Chairman
Affordability & Accessibility Issues
Task Force Committee

EXECUTIVE SUMMARY:

The Affordability & Accessibility Issues Task Force was established by Council resolution during the 2002 Budget process to work with staff in bringing back recommendations for a program which addresses affordability issues affecting the most vulnerable in our community.

BACKGROUND:

The Affordability & Accessibility Issues Task Force first met in October 2002 and instructed staff to develop a Terms of Reference for the Committee. The Committee held several meetings over the past few months to review the draft submissions. The final Terms of Reference have been approved by the Task Force and are now being presented to Committee of the Whole for their consideration.

ANALYSIS OF ALTERNATIVES:

Not applicable

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Not applicable

POLICIES AFFECTING PROPOSAL:

Not applicable.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Lead staff support from Social and Public Health Services and staff representation from each of the other City Departments.

CITY STRATEGIC COMMITMENT:

Not applicable.

Hamilton

TERMS OF REFERENCE

Affordability & Accessibility Issues Task Force

Mandate:

- To develop a framework for a “City of Hamilton Affordability and Accessibility Strategy”, built upon the principles of access and equity for all residents, that would ameliorate or reduce the impact of program or service fees as a barrier to accessing City of Hamilton, programs, services or benefits.

Objectives:

- To define “affordability” (ability to pay) for the purposes of developing a strategy to maintain and/or increase access to City of Hamilton program, services and benefits and to eliminate accessibility barriers to these programs.
- To define scope of programs, services and benefits to be reviewed
- To assess the impact of the New Municipal Act on user fees.
- To develop an inventory of fees charged or waived/subsidised for identified City of Hamilton programs, services and benefits
- To determine what fee subsidies (or process to waive fees) currently exist for City of Hamilton programs, services and benefits, how the subsidies are determined (criteria for eligibility) and administered
- To determine the impact for residents of current fees on ability to access City programs, services and benefits
- To review “best practices” of other municipalities with respect to affordability (ability to pay) of fee for services programs, services and benefits (i.e. barriers to participate in programs, services)
- To develop a framework and strategy for a “City of Hamilton Affordability & Accessibility Strategy” which would eliminate or reduce barriers to accessing City of Hamilton programs, services and benefits through provision of fee subsidies that are determined by the use of consistent criteria, and efficiently administered across the corporation, and are simply accessed by eligible residents
- To develop a framework for monitoring and evaluating the proposed strategy

Proposed Membership:

- Four (4) Councillors
- Lead staff support from Social and Public Health Services
- Staff representatives from other City Departments as required.

Chair:

- A member of City Council will act as Chair

Minutes and Agenda Preparation:

- Minutes and Agenda to be sent out by the Legislative Assistant
- Agenda preparation to be co-ordinated by staff from the Social & Public Health Services Department

Frequency of Meetings:

- The Task Force will meet bi-weekly or at the call of the Chair

Reporting Structure:

- The Chair will sign all reports of the Task Force
- All Task Force reports will go directly to the Committee of the Whole

Time Frame for Committee:

- The Task Force will remain in place until the end of Council (November, 2003)

Review of Terms of Reference:

- The terms will be reviewed with each new term of City Council or at the call of the Chair

CA5 ON HAM
A34
2003

City of Hamilton

AGENDA

COMMITTEE OF THE WHOLE 03-006

Tuesday, February 18, 2003

9:30 a.m.

Council Chamber
Hamilton City Hall
71 Main Street West
Hamilton, Ontario

Kevin C. Christenson
City Clerk

Please note: All cellular telephones and pagers to be switched to a non-audible function during Council and Committee meetings.

Agenda available on-line at www.hamilton.ca
(click on "City Government")

1. DECLARATIONS OF INTEREST

2. ADOPTION OF MINUTES

2.1 February 4/11, 2003 (to be distributed)

3. DELEGATION REQUESTS

3.1 Request to address the Hearing Sub-Committee by Mr. Steve McNamee respecting pedestrian safety in downtown Hamilton

3.2 Request to address the Hearing Sub-Committee by Glanbrook Home Support Programme Inc. respecting services provided by agencies

4. CONSENT ITEMS

4.1 Dundas Business Improvement Area (B.I.A.) Proposed Budget and Schedule of Payment for 2003 (PD03034) (Ward 13)

4.2 Dundas Improvement Area (B.I.A.) Revised board of Management (PD03038) (Ward 13)

4.3 Ann Street and Sullivans Lane – Intersection Control (TOE03019) (Ward 13)

4.4 School Area Speed Limit Request – Dupont Street and Hewitson Road (TOE03020) (Ward 10)

4.5 Cascades Subdivision (62M-971) Stop Sign Installations (TOE03021) (Ward 13)

4.6 BIO2003 Conference and Tradeshow in Washington D.C. (ECO03003) (City Wide)

5. PRESENTATIONS

5.1 Update on World Cycling - Mr. Neil Lumsden, CEO Hamilton 2003 Cycling Championships

14. TRANSPORTATION, OPERATIONS AND ENVIRONMENT

14.1 Designation of Signing Officer for Annual Water Compliance Reports (TOE03018) (City Wide)

15. JOINT DEPARTMENTAL REPORTS

None

16. REPORTS BY SUB-COMMITTEES

None

17. REPORTS BY THE VOLUNTEER CO-ORDINATING COMMITTEES

None

18. ITEMS REFERRED BY CITY COUNCIL

None

19. MOTIONS

None

20. NOTICES OF MOTIONS

None

21. GENERAL INFORMATION

None

22. PRIVATE AND CONFIDENTIAL

22.1 Emergency Resolution - CUPE

23. ADJOURNMENT

SECTION 2

SECTION 3

From: Steve McNamee [mailto:stevemcnamee@sympatico.ca]
Sent: Wednesday, February 05, 2003 9:37 PM
To: clerk@city.hamilton.on.ca
Subject: Presentation to City Council

3.1

To Whom It May Concern,

I am interested in making a breif presentation to city council (about 5 minutes) regarding my concerns about pedestrian safety in downtown Hamilton, where I have recently become a homeowner and taxpayer. I am wondering if you might inform me how I would go about doing this and how soon I might be able to appear?

Thank you for your help.

Steve McNamee
167 Duke st.
Hamilton, ON. L8P 1X9
905.521.8043

GLANBROOK HOME SUPPORT

Glanbrook Home Support Programme Inc.
P.O. Box 42, Binbrook, Ontario L0R 1C0
Tel: (905) 692-3464 · Fax: (905) 692-9406

3.2

February 5, 2003

Mary Gallagher
Co-ordinator of Committe of the Whole

Dear Mary:

On behalf of Glanbrook Home Support Programme I am requesting to come to the Committee of the Whole. I would like to speak with members of council and make a presentation about Glanbrook Home Support Programme and the invaluable services we offer to seniors and the disabled in our community and surrounding areas.

I am looking forward to hearing from you. Please contact me at 905-692-3463. Thank you for your assistance regarding this matter.

Sincerely yours,

Janice Gumbley

Janice Gumbley
Executive Director

SECTION 4

**AFFECTS
WARD 13**

4.1

CITY OF HAMILTON

PLANNING AND DEVELOPMENT DEPARTMENT
Downtown Renewal Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date:	January 31, 2003	**Prepared by:**	Hazel Milsome (905) 546-2755
File:	1001-14		

SUBJECT: Dundas Business Improvement Area (B.I.A.) Proposed Budget and Schedule of Payment for 2003 (PD03034) (Ward 13)

RECOMMENDATION:

(a) That the 2003 operating budget for the Dundas B.I.A. (attached as Appendix 'A' to Report PD03034) be approved in the amount of $108,000;

(b) That the 2003 levy portion of the operating budget for the Dundas B.I.A. in the amount of $100,000 be approved;

(c) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, The Municipal Act, R.S.O., 1990, to levy the 2003 budget as referenced in sub-section (b) above;

(d) That the following schedule of payments for 2003 be approved:

February	$25,000
April	$25,000
July	$25,000
October	$25,000

Note: 2002 assessment appeals may be deducted from 2003 levy payments.

Lee Ann Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

Approval of the 2003 budget and schedule of payment for the Dundas B.I.A.

BACKGROUND:

At its Annual General Meeting held on January 21, 2003, the Dundas B.I.A.'s Board of Management presented its proposed budget for 2003. The process followed to adopt the Dundas B.I.A.'s 2003 budget was in accordance with the B.I.A.'s constitution.

ANALYSIS OF ALTERNATIVES:

Not applicable.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial – The $108,000 operating budget for the Dundas B.I.A. is derived through the following:

*	Levying its members	$100,000
*	Earned interest & misc.	$ 750
*	Grants	$ 7,250

Staffing – There are no staffing implications.

Legal – The Municipal Act, Section 220, Sub-section (10) dictates that City Council must approve budgets of B.I.A.s.

POLICIES AFFECTING PROPOSAL:

Not applicable.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Not applicable.

CITY STRATEGIC COMMITMENT:

The initiatives of B.I.A.s' help create an attractive business district that extends to the local residents through the creation of a safer, cleaner and more aesthetically attractive district with positive results in the quality of life of its residents. Healthy business districts support neighbourhoods and healthy neighbourhoods support business districts. Economic health and healthy communities are important strategic objectives of the City.

HM:jcs
Attach. (1)

c.c. John McManus, Director, Dundas B.I.A.

APPENDIX ‘A’ TO REPORT PD03034
PAGE 1 OF 1

DUNDAS BUSINESS IMPROVEMENT AREA
PROPOSED 2003 BUDGET

ADMINISTRATION

Printing, Supplies, Postage, Telephone, etc.	$ 1,100
Insurance Premiums	1,400
Membership Recognition	2,000
Consultant Fees	18,000
Audit Fees and Bookkeeping	2,500
Secretarial – Minutes, etc.	2,400
Miscellaneous	2,200
	$29,600

BEAUTIFICATION

Easter & Spring	220
Summer	5,300
Fall	370
Christmas	
Garland, Hanging Baskets with Lights	2,350
Wreath for Poles	7,210
Year Round Tree Lights	500
“Property of Excellence Awards”	450
Reserve Fund for Future Christmas Decorations	2,000
	18,400

PROMOTIONS AND SPECIAL EVENTS

General Promo and Member Communication	6,000
Valentines	1,000
Easter Eggs-travaganza	3,000
Mother’s Day	500
Buskingfest	15,000
Dads & Dogs Day	2,500
Cactus Festival	5,000
Scarecrow Saturday	3,000
Dickens of a Christmas	24,000
	60,000

Total Expenses	**$108,000**

INCOME

Annual BIA Levy	$100,000
Earned Interest and Miscellaneous	750
Grants	7,250
Total Income	**$108,000**

AFFECTS
WARD 13

CITY OF HAMILTON

4.2

PLANNING AND DEVELOPMENT DEPARTMENT
Downtown Renewal Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date:	January 31, 2003	**Prepared by:**	Hazel Milsome (905) 546-2755
File:	1001-14		

SUBJECT: Dundas Business Improvement Area (B.I.A.) Revised Board of Management (PD03038) (Ward 13)

RECOMMENDATION:

That the following individuals be appointed to the Dundas B.I.A.'s Board of Management:

Debbie Thurley	Gray's Florist Ltd.	22 King Street West
Joseph Amaral	Cumbrae Farm Meats	26 King Street West
Bernie Gerl	Collins Brewhouse	33 King Street West
Janet Petrie	Desjardins Home & Garden	69 King Street West
Stephanie Fitzpatrick	Fitz & Co.	71 King Street West

LeeAnn Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

Appointment of new members to the Dundas B.I.A.'s Board of Management.

BACKGROUND:

The Dundas B.I.A., at its Annual General Meeting held January 21, 2003, elected Debbie Turley, Joseph Amaral, Bernie Gerl, Janet Petrie and Stephanie Fitzpatrick to its Board of Management. The B.I.A. also accepted resignations from Bob Litzen, Curtis Litzen, Catherine Boyle, Vince Hoffman and Les Knubb.

ANALYSIS OF ALTERNATIVES:

Not applicable.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial – Not applicable.

Staffing – There are no staffing implications.

Legal – The Municipal Act, Section 220 governs B.I.A.s. Section (6) stipulates "A Board of Management established under subsection (1) is a body corporate and shall consist of such number of members appointed by council as the council considers advisable, at least one of whom shall be a member of the council and the remaining members shall be individuals who are persons who are entitled to notice under subsection (2) or clause (2.1) (a) or who are nominated by such persons".

POLICIES AFFECTING PROPOSAL:

Not applicable.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Not applicable.

CITY STRATEGIC COMMITMENT:

The initiatives of B.I.A.s' help create an attractive business district that extends to the local residents through the creation of a safer, cleaner and more aesthetically attractive district with positive results on the quality of life of its residents. Healthy business districts support neighbourhoods and healthy neighbourhoods support business districts. Economic health and healthy communities are important strategic objectives of the City.

Rmm

c.c. John McManus, Director, Dundas B.I.A.

AFFECTS WARD 13

CITY OF HAMILTON

4.3

TRANSPORTATION, OPERATIONS & ENVIRONMENT
Roads & Traffic

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Scott Stewart Acting General Manager
Date:	Februay 3, 2003	**Prepared by:**	S. Russell Extension 5660

SUBJECT: Ann Street and Sullivans Lane - Intersection Control (TOE03019) - (Ward 13)

RECOMMENDATION:

(a) That northbound traffic on Sullivans Lane be required to stop for eastbound and westbound traffic on Ann Street; and

(b) That the attached by-law to amend City of Hamilton Traffic By-law 01-215 be passed and enacted.

Scott Stewart, Acting General Manager
Transportation, Operations & Environment

EXECUTIVE SUMMARY:

An area resident has requested that stop control be implemented at the intersection of Ann Street and Sullivans Lane. Staff supports introducing a stop on the stem of "T-type Intersections" as it will provide clearer designation of right-of-way.

BACKGROUND:

The information/recommendations contained within this report primarily affect Ward 13.

Staff has received a request from an area resident, that stop control be implemented at the intersection of Ann Street and Sullivans Lane, as there is no form of traffic control at this intersection.

The subject intersection is a "T" type intersection. There have been no reported collisions at this intersection. Staff support the principle of stopping one direction of traffic at "T" type intersections in lieu of the otherwise applicable "right-hand rule", which may not be clearly understood by all motorists. Therefore, staff recommends that northbound traffic on Sullivans Lane be required to stop for eastbound and southbound traffic on Ann Street.

ANALYSIS OF ALTERNATIVES:

One alternative to the recommendation would be to take no action on the implementation of stop control. There have been no reported intersection related collisions at this intersection, which is an indication that the intersection is operating satisfactorily without signed stop control.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Sufficient funds are available in regular current accounts to cover the cost of manufacturing, erecting and maintaining the required signs.

POLICIES AFFECTING PROPOSAL:

N/A

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

N/A

CITY STRATEGIC COMMITMENT:

The implementation of stop control will clearly define the “right-of-way” at the subject intersection, thus, reducing the potential for collisions and providing a safer community.

Attached: By-law & Key Map

Authority: Item , Name of Committee
Report
CM: Date

Bill No.

CITY OF HAMILTON

BY-LAW NO. 03-

To Amend By-law No. 01-215
Being a By-law To Regulate Traffic

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-215 to regulate traffic;

AND WHEREAS it is necessary to amend By-law No. 01-215;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule 5 (Stop Signs) of By-law No. 01-215, as amended, is hereby further amended by adding to Section "B" thereof the following item, namely:

   “Sullivans Lane   Northbound   Ann Street“

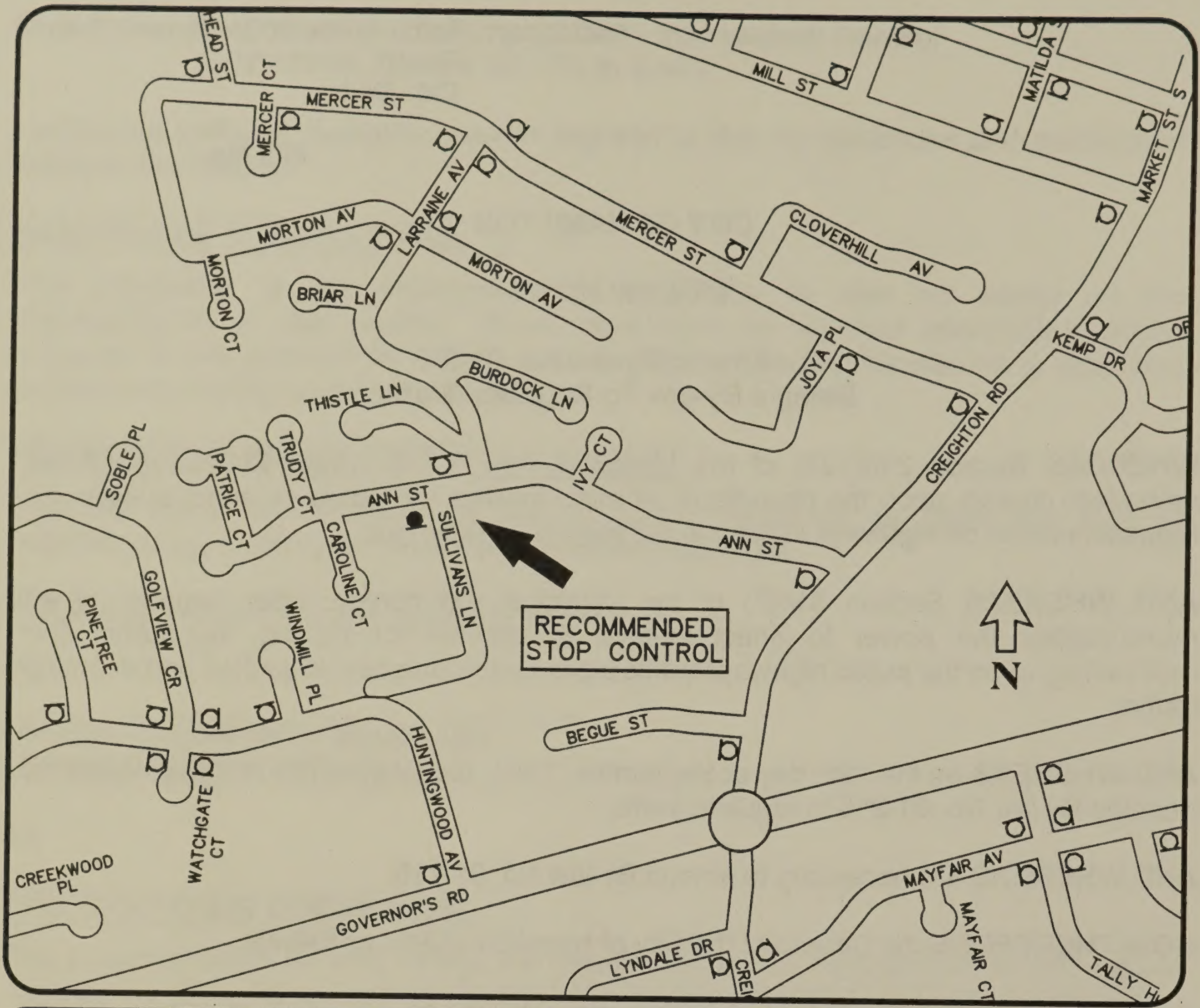
2. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-215, including all Schedules thereto, as amended, is hereby confirmed unchanged.

3. This By-law shall come into force and take effect on the date of its passing and enactment.

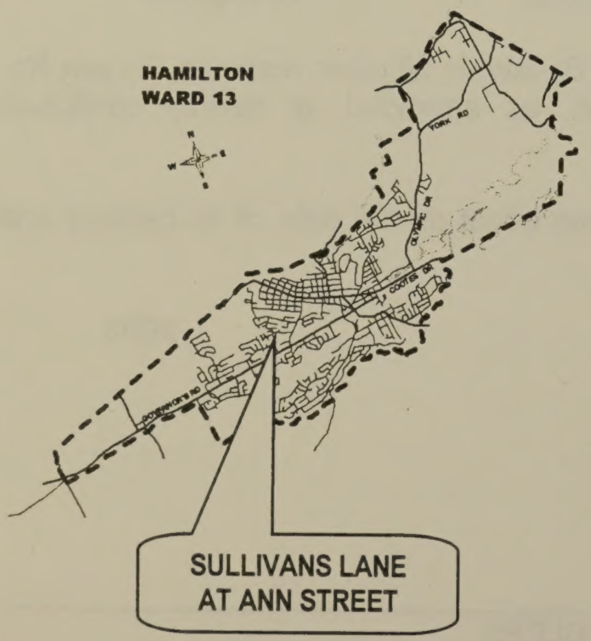
PASSED and ENACTED this day of , 2003

MAYOR

CLERK


HEAD ST
MERCER CT
MERCER ST
MILL ST
MATILDA S
MARKET ST S
LARRAINE AV
MORTON AV
MERCER ST
CLOVERHILL AV
MORTON AV
BRIAR LN
MORTON CT
JOYA PL
KEMP DR
OR
BURDOCK LN
THISTLE LN
CREIGHTON RD
SOBLE PL
PATRICE CT
TRUDY CT
ANN ST
IVY CT
SULLIVANS LN
CAROLINE CT
ANN ST
RECOMMENDED STOP CONTROL
N
PINETREE CT
GOLFVIEW CR
WINDMILL PL
BEGUE ST
HUNTINGWOOD AV
WATCHGATE CT
CREEKWOOD PL
GOVERNOR'S RD
MAYFAIR AV
MAYFAIR CT
LYNDALE DR
CREI
TALLY H

KEY MAP


HAMILTON
WARD 13
YORK RD
OLYMPIC DR
COOTES DR
GOVERNOR'S RD
SULLIVANS LANE AT ANN STREET

LOCATION PLAN

STOP CONTROL:
NORTHBOUND
SULLIVANS LANE AT
ANN STREET
CITY OF HAMILTON
TRANSPORTATION, OPERATIONS & ENVIRONMENT

LEGEND

➡ SUBJECT INTERSECTION

RECOMMENDED		EXISTING	
●	TRAFFIC SIGNAL	○	TRAFFIC SIGNAL
●	STOP SIGN	▷	STOP SIGN
▼	YIELD SIGN	▽	YIELD SIGN

SCALE
NOT TO SCALE

DATE
2003-02-03

REFERENCE FILE NO: TOE03019

AFFECTS
WARD 10

CITY OF HAMILTON

4.4

TRANSPORTATION, OPERATIONS & ENVIRONMENT
Roads & Traffic

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Scott Stewart Acting General Manager
Date:	February 3, 2003	**Prepared by:**	S. Russell Extension 5660

SUBJECT: **School Area Speed Limit Request - Dupont Street and Hewitson Road (TOE03020) - (Ward 10)**

RECOMMENDATION:

(a) That the speed limit on Hewitson Road and Dupont Street be set at 40 km/h, and;

(b) That the attached by-law to amend City of Hamilton Traffic By-law be passed and enacted.

Scott Stewart, Acting General Manager
Transportation, Operations & Environment

EXECUTIVE SUMMARY:

Councillor Di Ianni advised of a request from an area resident that the speed limit on Dupont and Hewitson in the area of Our Lady of Peace Separate School be lowered. The request meets the criteria of the approved policy for "Setting Speed Limits on City of Hamilton Roadways within School Areas". Therefore, staff supports setting the speed limit on Dupont and Hewitson at 40 km/h.

BACKGROUND:

The information/recommendations contained within this report primarily affect Ward 10.

Councillor Di Ianni advised of concerns from an area resident regarding the speed of traffic on Hewitson and request that the speed limit in the area of Our Lady of Peace Separate School be lowered. The school abuts Dupont and Hewitson. Both streets have a speed limit set at 50 km/h. The request is in keeping with the approved policy and therefore, staff supports lowering the speed limit to 40 km/h on Dupont and Hewitson.

ANALYSIS OF ALTERNATIVES:

One alternative would be to do nothing. However, the 40 km/h speed limit highlights the presence of the school, and the school age children, and therefore increases their safety.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Sufficient funds are available in regular current accounts to cover the cost of manufacturing, erecting and maintaining the required signs.

POLICIES AFFECTING PROPOSAL:

The subject recommendation is in keeping with the approved policy for "Setting Speed Limits on City of Hamilton Roadways".

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

N/A

CITY STRATEGIC COMMITMENT:

The full-time 40 km/h speed limit highlights the presence of the school and the school children. The subject recommendation is in keeping with the City's goal to improve public safety.

Attached: Key Map & By-law

Authority: Item , Name of Committee
Report
CM: Date

Bill No.

CITY OF HAMILTON

BY-LAW NO. 03-

To Amend By-law No. 01-215
Being a By-law To Regulate Traffic

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-215 to regulate traffic;

AND WHEREAS it is necessary to amend By-law No. 01-215;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule 2 (Speed Limits) of By-law No. 01-215, as amended, is hereby further amended by adding to Section "F" thereof the following items, namely:

“Dupont	Dewitt	Hewitson	40
Hewitson	Barton	Dupont	40“

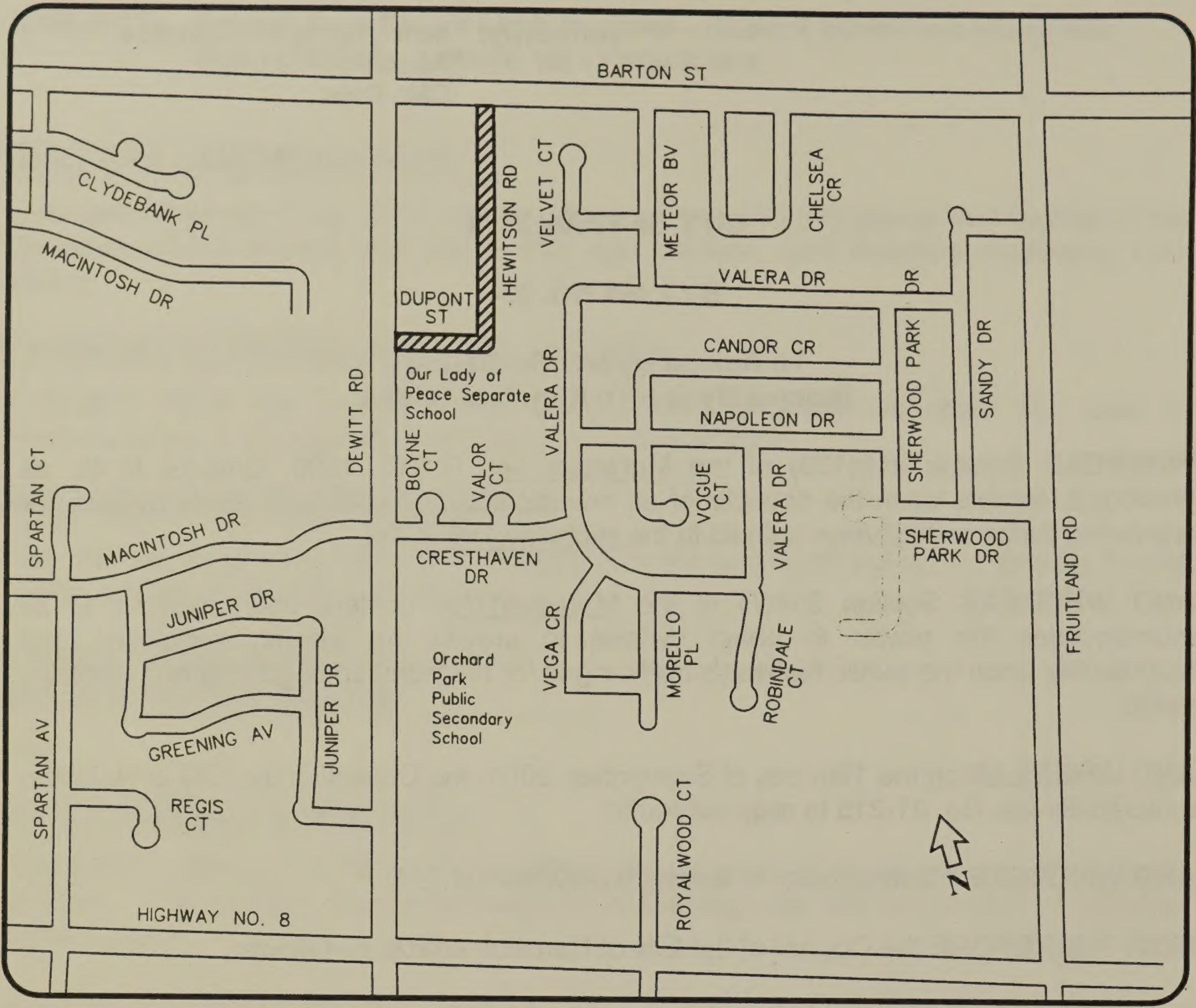
2. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-215, including all Schedules thereto, as amended, is hereby confirmed unchanged.

3. This By-law shall come into force and take effect on the date of its passing and enactment.

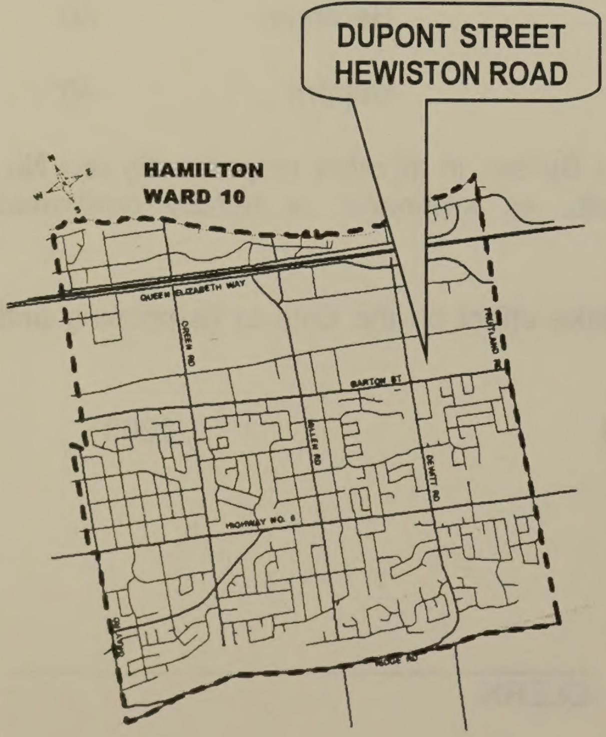
PASSED and ENACTED this day of , 2003

MAYOR

CLERK


BARTON ST
CLYDEBANK PL
MACINTOSH DR
DUPONT ST
HEWITSON RD
VELVET CT
METEOR BV
CHELSEA CR
VALERA DR
DR
CANDOR CR
NAPOLEON DR
SHERWOOD PARK
SANDY DR
Our Lady of Peace Separate School
DEWITT RD
BOYNE CT
VALOR CT
VALERA DR
VOGUE CT
VALERA DR
SHERWOOD PARK DR
SPARTAN CT
MACINTOSH DR
CRESTHAVEN DR
FRUITLAND RD
JUNIPER DR
VEGA CR
MORELLO PL
ROBINDALE CT
Orchard Park Public Secondary School
JUNIPER DR
GREENING AV
SPARTAN AV
REGIS CT
ROYALWOOD CT
N
HIGHWAY NO. 8

KEY MAP


DUPONT STREET
HEWISTON ROAD
HAMILTON
WARD 10
QUEEN ELIZABETH WAY
GREEN RD
BARTON ST
FRUITLAND RD
MILLEN RD
DEWITT RD
HIGHWAY NO. 8
RIDGE RD

LOCATION PLAN

PROPOSED SPEED LIMIT CHANGES:
DUPONT STREET
HEWISTON ROAD

CITY OF HAMILTON
TRANSPORTATION, OPERATIONS & ENVIRONMENT

LEGEND

▨ **SUBJECT ROADS**

SCALE	DATE
NOT TO SCALE	**2003-02-03**

REFERENCE FILE NO: **TOE03020**

AFFECTS
WARD 13

CITY OF HAMILTON

4.5

TRANSPORTATION, OPERATIONS & ENVIRONMENT
Roads & Traffic

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Scott Stewart Acting General Manager
Date:	February 3, 2003	**Prepared by:**	Rich Shebib Extension 3909

SUBJECT: **Cascades Subdivision (62M-971) Stop Sign Installations (TOE03021) - (Ward 13)**

RECOMMENDATION:

(a) That eastbound stop control be implemented on Brydale Court at Sundial Crescent; and,

(b) That eastbound stop control be implemented on Gwyn Court at Sundial Crescent; and,

(c) That northbound stop control be implemented on Sundial Crescent at Livingstone Drive (east intersection); and,

(d) That eastbound stop control be implemented on Woodlawn Court at Livingstone Drive; and,

(e) That the attached by-law to amend the City Traffic By-law 01-215 be passed and enacted.

Scott Stewart, Acting General Manager
Transportation, Operations & Environment

EXECUTIVE SUMMARY:

Staff have reviewed the plans for the Cascades Subdivision (62M-971). This new subdivision is located at the bottom of the Sydenham Hill off Sydenham Road in Dundas. The purpose of the review was to identify locations where stop control is required at several new intersections within this subdivision. The installation of the subject stop signs is funded with capital raised through development levies.

Staff has identified four "T" type intersections within this subdivision where stop control would be appropriate. The implementation of these stop signs will promote safe and efficient traffic movements in this subdivision.

BACKGROUND:

The information/recommendations contained within this report primarily affects Ward 13.

The Traffic Engineering office received a plan for a new subdivision from the Planning and Development Department. Staff have reviewed the Cascades Subdivision roadway layout and are recommending that stop controls be implemented at four intersections within this subdivision to define the right-of-way rules for motorists and pedestrians.

ANALYSIS OF ALTERNATIVES:

One alternative to implementing stop control at the "T" type intersections would be to take no action. The Ontario Highway Traffic Act stipulates that all traffic approaching an uncontrolled intersection must yield the right-of-way to traffic approaching on the right. However, in the interest of public safety, and in lieu of the otherwise applicable right-hand-rule, which may not be clearly understood by all motorists, staff are recommending that stop signs be installed on the stem of these "T" type intersections.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Sufficient funds are available in the regular current accounts to cover the costs of manufacturing, erecting and maintaining the required signs. Funding is added to the sign installation accounts from development charges specifically for such items.

POLICIES AFFECTING PROPOSAL:

All-way stop control is not warranted at any of the intersections based on the City Council approved policy entitled the "Installation Policy for All-way Stop Control at Intersections".

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

N/A

CITY STRATEGIC COMMITMENT:

The installation of the stop signs at the subject intersections will clearly define the right-of-way, thus reducing the potential for collisions and providing for a safer community environment.

Attached: Key Map and By-law

Authority: Item , Name of Committee
Report
CM: Date

Bill No.

CITY OF HAMILTON

BY-LAW NO. 03-

To Amend By-law No. 01-215 Being a By-law To Regulate Traffic

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-215 to regulate traffic;

AND WHEREAS it is necessary to amend By-law No. 01-215;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule 5 (Stop Signs) of By-law No. 01-215, as amended, is hereby further amended by adding to Section "B" thereof the following items, namely:

“Brydale Court	Eastbound	Sundial Crescent
Gwyn Court	Eastbound	Sundial Crescent
Sundial Crescent	Northbound	Livingstone Drive (East Intersection)
Woodlawn Court	Eastbound	Livingstone Drive”

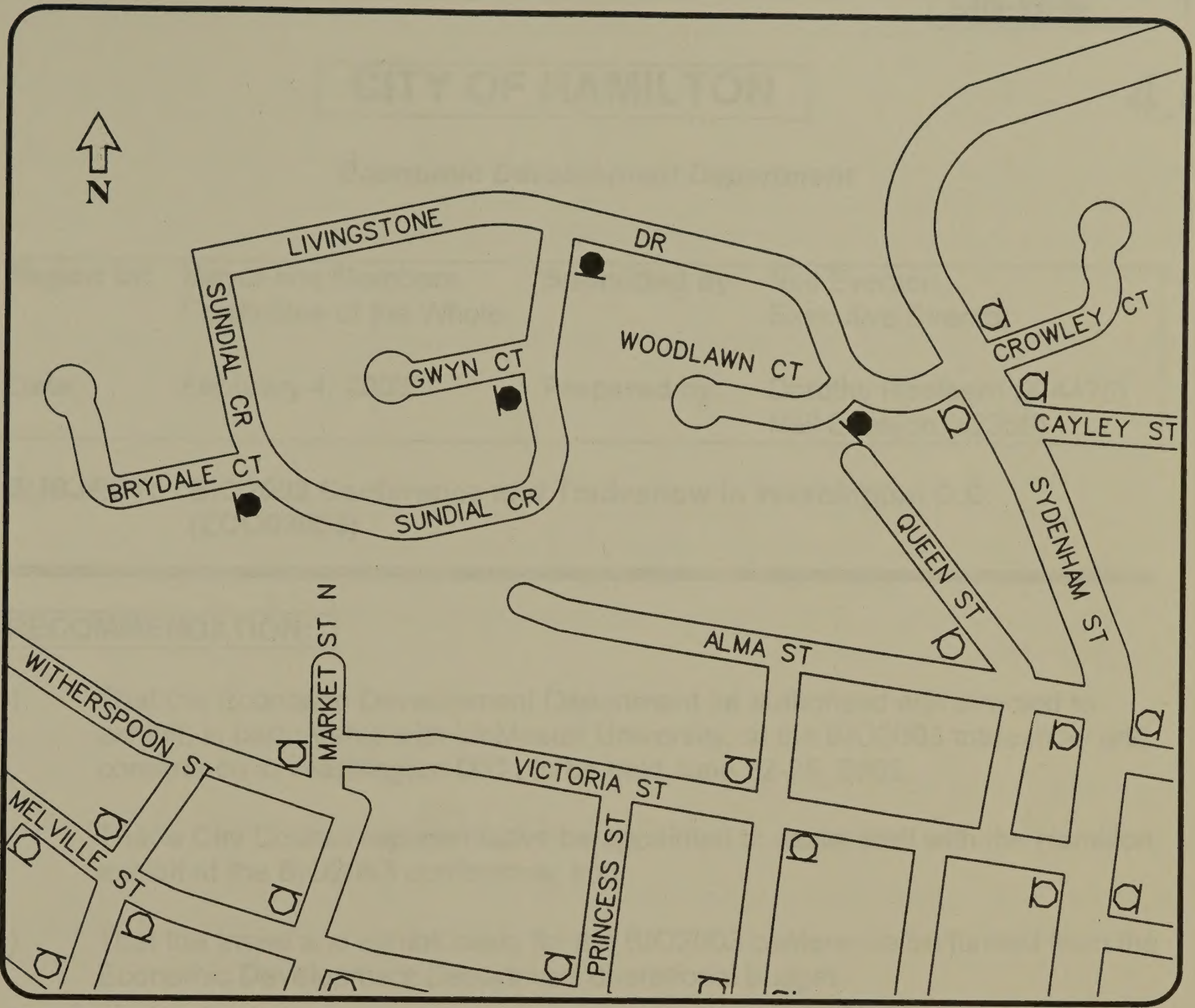
2. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-215, including all Schedules thereto, as amended, is hereby confirmed unchanged.

3. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED and ENACTED this day of , 2003

MAYOR

CLERK


N
LIVINGSTONE DR
SUNDIAL CR
GWYN CT
WOODLAWN CT
CROWLEY CT
CAYLEY ST
BRYDALE CT
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QUEEN ST
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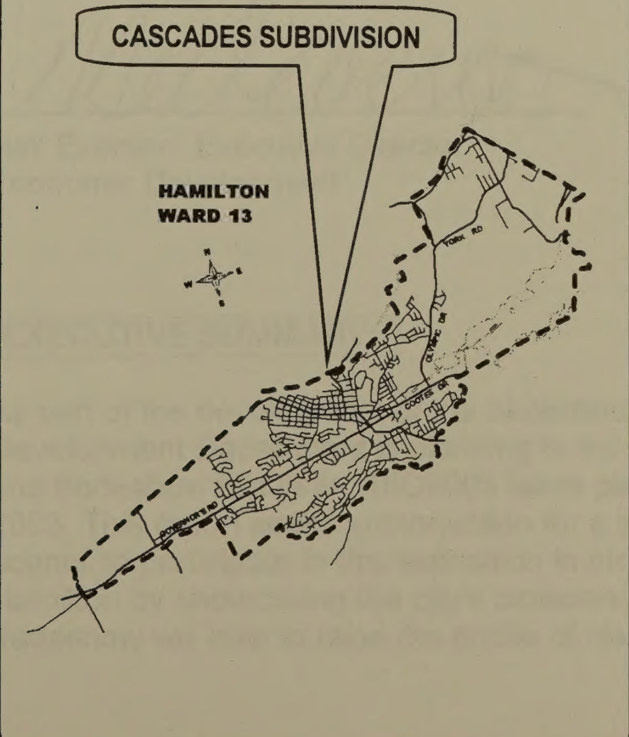
MARKET ST N
ALMA ST
WITHERSPOON ST
VICTORIA ST
MELVILLE ST
PRINCESS ST

KEY MAP


CASCADES SUBDIVISION
HAMILTON
WARD 13
YORK RD

LOCATION PLAN

STOP CONTROLS:

CASCADES SUBDIVISION

CITY OF HAMILTON
TRANSPORTATION, OPERATIONS & ENVIRONMENT

LEGEND

➡ SUBJECT INTERSECTION

RECOMMENDED		EXISTING	
●	TRAFFIC SIGNAL	○	TRAFFIC SIGNAL
●	STOP SIGN	ᑲ	STOP SIGN
▼	YIELD SIGN	▽	YIELD SIGN

SCALE
NOT TO SCALE

DATE
2003-02-03

REFERENCE FILE NO: **TOE03021**

City-Wide

4.6

CITY OF HAMILTON

Economic Development Department

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Neil Everson, Executive Director
Date:	February 4, 2003	**Prepared by:**	Dorothy Redfearn (X 4475) Neil Everson (x2359)

SUBJECT: **BIO2003 Conference and Tradeshow in Washington D.C. (ECO03003)**

RECOMMENDATION:

a) That the Economic Development Department be authorised and directed to exhibit, in partnership with McMaster University, at the BIO2003 tradeshow and conference in Washington D.C., to be held June 22-25, 2003;

b) That a City Council representative be appointed to assist staff with the Hamilton exhibit at the BIO2003 conference; and

c) That the travel and exhibit costs for the BIO2003 conference be funded from the Economic Development Department operational budget.

Neil Everson

Neil Everson, Executive Director
Economic Development

EXECUTIVE SUMMARY:

As part of the development of the biotechnology cluster in Hamilton, the Economic Development Department is planning to exhibit at the BIO2003 international conference and tradeshow this year. BIO3003 takes place in Washington D.C. from June 22-25, 2003. This report seeks authorisation for a staff member and a representative of city council to participate in this exposition in order to attract business and investors to Hamilton by showcasing the city's biotechnology strengths. Participation in the tradeshow will help to raise the profile of Hamilton in the global biotechnology sector.

BACKGROUND:

The Ontario government has committed to making Ontario the third largest biotechnology jurisdiction in North America and is focusing its strategy along a corridor from Ottawa to London. Hamilton has been identified as one of the six regional biotechnology clusters within this corridor.

Over the last year, staff, in conjunction with McMaster University, has been working on the following initiatives:

- Development of a bio-sciences strategy and business plan for an incubator (guided by the Hamilton Biosciences Steering Committee);
- Joint marketing initiatives with municipalities in the biotech corridor;
- Discussions with the Ministry of Enterprise, Opportunity and Innovation regarding funding under its Biotechnology Cluster Innovation Program; and
- Development of the Golden Horseshoe Biosciences Network and the Bio-summit 2003 @ McMaster University.

ANALYSIS OF ALTERNATIVES:

The annual international biotechnology conference BIO2003 will be held from June 22-25, 2003 in Washington D.C. This is the largest biotechnology conference in the world, with an expected attendance of 20,000 delegates. All of the municipalities in the Ontario Bio-corridor will be exhibiting at this conference in the Ontario section of the Canadian pavillion. Many of these municipalities are including representation from their respective City/Regional Council to demonstrate their commitment to the development of this sector. For the first time, Hamilton is planning to exhibit at this tradeshow/conference along with McMaster University.

With Hamilton's intention to make application to the provincial Biotechnology Cluster Innovation Program, it is important to increase awareness about the city's strengths in this sector. Attendance as an exhibitor at the BIO2003 conference will help demonstrate the city's commitment to development of this cluster and raise the profile of Hamilton in the global biotechnology sector. Since Hamilton has now become increasingly involved in the biotechnology sector, business and investor attraction is a key element of the city's development strategy. It is therefore recommended that a Hamilton city councillor join the Economic Development staff member in marketing Hamilton at the BIO2003 conference. While biotechnology development benefits the city at large, given McMaster University's involvement with this initiative Hamilton may be best represented by the ward councillor.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The estimated costs for exhibiting at the BIO2003 conference include:

Exhibit space	Cdn $ 5,900
Exhibit rentals	320
Airfare	600
Cab fares	100
Hotel (5 nights at gov't rate)	1,200
Per diem (4 days)	454
Total:	Cdn $ 8,574

The additional costs for the attendance of a city councillor at the BIO2003 conference, include hotel and airfare estimated to be Cdn$1,560. These costs do not include registration fees for the conference; attendance is strictly for exhibit purposes. It is recommended that the above-noted costs be funded from the Economic Development Department budget for tradeshows.

POLICIES AFFECTING PROPOSAL:

All foreign travel is to be approved by the City Manager.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Economic Development staff are working with the other municipalities in Ontario bio-corridor to prepare a joint publication that will demonstrate the province's strengths in this sector to a global market. The Ministry of Enterprise, Opportunity and Innovation (MEOI) has agreed to fund the cost of this publication. MEOI has also negotiated strategic placement of the Ontario corridor booths at the tradeshow on behalf of the member municipalities and provided additional funding to secure this placement.

CITY STRATEGIC COMMITMENT:

In 2001, City Council approved the Economic Development Strategy, which outlined a plan for the development of six industry clusters for Hamilton. Biotechnology was one of the emerging clusters identified. Staff is working in conjunction with community representatives to implement the initiatives outlined in the Strategy that will accelerate the development of this cluster.

This initiative aligns with the Council objective of growing the local economy.

NCE:dr(x4475)

SECTION 5

SECTION 6

SECTION 7

CITY WIDE
IMPLICATIONS

7.1

CITY OF HAMILTON

COMMUNITY SERVICES
Emergency Services

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Glen Peace General Manager / Fire Chief
Date:	January 22, 2003	**Prepared by:**	Glen Peace 546-3341

SUBJECT: **Establishment of a Hamilton Fire HazMat/CBRNR "Level 2" Response Team with the Ministry of Public Safety and Security (HES03001)(City Wide)**

RECOMMENDATION:

a) That the General Manager of Emergency Services be authorized to enter into discussions on behalf of the City of Hamilton with the Ministry of Public Safety and Security related to the Province's strategy for Chemical, Biological, Radioactive, and Nuclear Response (CBRNR).

b) That this partnership, if acceptable to both parties, is on a full cost recovery basis with no negative impact to the Emergency Services Department operating budget.

Glen Peace, General Manager / Fire Chief
Emergency Services Department

EXECUTIVE SUMMARY:

Emergency Services staff has been approached by Mr. Jim Coulson of the Office of the Fire Marshal to commence discussion around the City's involvement in a Provincial response strategy to large-scale CBRNR incidents.

By way of this recommendation staff is seeking Council's support to commence the discussions (Attachment #1).

If the discussions proceed in a satisfactory manner, a memorandum of understanding between the City of Hamilton and the Ministry of Public Safety and Security will be required to guarantee the terms of this agreement.

BACKGROUND:

In part as preparation to a terrorist threat and as a result of September 11, 2001, the Province has provided funding to three municipalities, Ottawa, Toronto and Windsor, to establish "Level 1" CBRNR response teams for incidents of major proportions throughout Ontario.

The next step in the process is the creation of a number of "Level 2" teams that have current capabilities, albeit may require additional equipment, that can respond in support of the "Level 1" teams. Hamilton has been approached regarding a "Level 2" team.

As part of the terms of a possible future agreement and if the Province were to request a response, it has agreed to ensure the local Municipality would not be adversely affected in its ability to meet local Hazardous Material (HazMat) or CBRNR response needs.

Therefore, the Province would be required to provide services in kind such as equipment, additional training, etc. to sustain the host municipality's local response capabilities.

HES-Fire has had an active HazMat team since 1988 and is recognized provincially for its ability to meet this level of need.

Council should be aware that the some current apparatus such as the HazMat Support Unit and Decontamination Trailer will have reached their service life expectancy by 2004 and will both require replacement. This situation will form part of the discussions between HES and the Ministry.

ANALYSIS OF ALTERNATIVES:

The City has an option of not entering this partnership and continuing the HazMat/CBRNR capabilities as a local initiative only.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Not applicable to discussion phase.

The City will require a memorandum of understanding between themselves and the Province to proceed to the implementation phase.

POLICIES AFFECTING PROPOSAL:

Not applicable to discussion phase.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

CITY STRATEGIC COMMITMENT:

Hamilton

Emergency Services Department
Physical Address: 55 King William Street
Hamilton, Ontario, Canada L8R 1A2
Phone: 905.546.3341 Fax: 905.546.3344
Email: gpeace@hamilton.ca

January 27, 2003

ATTACHMENT #1

DRAFT

Mr. Jim Coulson,
OFM Project Manager
100 Millside Drive PH04
Milton, ON L9T 5E2

Dear Mr. Coulson:

This letter is confirmation of the City of Hamilton's intent to enter into discussions with the Office of the Fire Marshal (OFM) regarding the potential of establishing a fire HazMat/CBRNR response team as part of the Province's proposed response strategy. These proposed discussions are intended to consider the development of a memorandum of understanding (MOU) between the City of Hamilton and the Ministry of Public Safety and Security whereby the Hamilton Emergency Services-Fire (HES-Fire) would provide Operations Level HazMat/CBRNR services as part of the proposed provincial response strategy.

It is agreed that the expenses incurred by each party during the discussions will be the responsibility of that party unless otherwise authorized by the OFM. It is understood the contact person for HES-Fire will be Fire Chief Glen Peace and Jim Coulson for the OFM. The discussions can begin upon receipt of this letter.

Once the discussions have commenced, HES-Fire will provide Mr. Coulson with an inventory of existing HazMat/CBRNR equipment, the existing level of training and the proposed response strategy. The OFM, after reviewing the documentation is to provide a list of what equipment and training can be provided to HES-Fire to enhance their local and regional response capability. The OFM will also provide information and procedures for payment of responses outside the municipal boundaries.

This 'letter of intent' will expire on the signing of a MOU or written notification from either party that they no longer wish to proceed.

Respectfully,

Glen Peace
General Manager / Fire Chief

SECTION 8

SECTION 9

SECTION 10

SECTION 11

SECTION 12

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

12.1

PLANNING AND DEVELOPMENT DEPARTMENT
Housing Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date: **File:**	January 31, 2003 CRHP – Admin.	**Prepared by:**	Keith Extance 905-546-3745 Mark Mascarenhas 905-546-4604

SUBJECT: **Delivery of the Community Rental Housing Program (PD03037) (City Wide)**

RECOMMENDATION:

(a) That the letter of December 6, 2002 from the Ontario Minister of Municipal Affairs and Housing allocating 200 units to the City of Hamilton under the Community Rental Housing Program be received and the Province be advised that the City of Hamilton will participate in the program;

(b) That the City of Hamilton, through the Planning and Development Department, Housing Division, deliver and administer the Community Rental Housing Program within the current budget and complement of the Division; and,

(c) That the Mayor and City Clerk be hereby authorized and directed to execute the "Ministry of Municipal Affairs and Housing – Service Manager Administration Agreement", attached as Appendix "B" to Report PD03037, in a form satisfactory to Corporate Counsel.

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

On December 13, 2002, the Ontario Minister of Municipal Affairs and Housing announced allocations of housing units in Ontario under the Community Rental Housing Program (CHRP) component of the new Federal/Provincial Affordable Housing Initiative. In the first phase of the program, the City of Hamilton has been allotted 200 units. (Appendix “A”) This report reviews the program, implications for the City of Hamilton, and recommends municipal participation.

Under the program, the role of the Municipality is to deliver and administer the program within a framework prescribed by the Province in a Ministry of Municipal Affairs and Housing – Service Manager Administration Agreement. (Appendix “B”). The Province will provide an administration fee of 3.27% of the capital grants to deliver and administer the program. It is generally acknowledged by municipalities across the province that the fee will be insufficient to recover staffing and administration costs of a program with considerable administrative requirements. The Association of Municipalities of Ontario (AMO) has sought redress, but all indications are that the fee will not change. The Province has advised that if a municipality receiving an allocation chooses not to participate, the allocation will be given to other municipalities.

There is significant interest on the part of private and community housing developers in Hamilton who want to avail themselves of the program grants and are expecting municipal participation. The capital funding provided for the creation of the initial 200 units and the total of 700 units over four years means not only new much needed housing but also construction and spin off jobs, private and social profit for the community, and urban and neighbourhood renewal.

The program provides applicant developers with capital grants to lower the cost of constructing new rental housing. Viability of the projects, without ongoing operating subsidies, is then presumed assured with monthly market rents at or below the average market rent for similar rental accommodation.

The Federal Government will contribute a maximum $25,000 per unit that must be matched by contributions from the Province, the municipality, non-profit groups and/or charitable organizations. The Provincial contribution is $2,000 per unit.

The 200 unit allocation is equivalent to approximately $5.4 million in Provincial and Federal funding. Over the length of the program, it is anticipated that 700 units will be allocated to Hamilton resulting in a Federal and Provincial investment of approximately $19 million for construction valued at approximately $70 million.

Delivery and implementation of the Community Rental Housing Program will result in community-wide housing, economic and social benefits to the City of Hamilton. Accordingly, staff recommends that the City of Hamilton participate in the program.

BACKGROUND:

On December 13, 2002, the Ontario Minister of Municipal Affairs and Housing announced allocations of housing units in Ontario under the Community Rental Housing Program (CHRP) component of the new Federal/Provincial Affordable Housing Initiative. In the first phase of the program, the City of Hamilton has been allotted 200 units. (Appendix "A")

Under the program, the role of the Municipality is to deliver and administer the program within a framework prescribed by the Province in a Ministry of Municipal Affairs and Housing – Service Manager Administration Agreement. (Appendix "B"). The Province will provide an administration fee of 3.27% of the capital grants to deliver and administer the program. It is generally acknowledged by municipalities across the province that the fee will be insufficient to recover staffing and administration costs of a program with onerous administrative requirements. The Association of Municipalities of Ontario (AMO) has sought redress but all indications are that the fee is set not to change. The Province has advised that if a municipality receiving an allocation chooses not to participate, the allocation will be given to other municipalities.

There is significant interest on the part of private and community housing developers in Hamilton who want to avail themselves of the program grants and are expecting municipal participation. The capital funding provided for the creation of the initial 200 units and the total of 700 units over four years means not only new much needed housing but also construction and spin off jobs, private and social profit for the community, and urban and neighbourhood renewal.

The new CRHP program has two major shortcomings. First is that the program design results in "average" market rents. In Hamilton, these are $597 for one-bedroom apartment units, $721 for two-bedroom apartment units, and $721 for three-bedroom apartment units. Program funding is insufficient to allow for rents to be provided on a geared-to-income basis. While this shortcoming can be addressed to a small extent by the addition of limited Rent Supplement Program funding, this program will not serve most households on the Community Housing Access Network (CHAN) waiting list. The Province anticipates that over time there will be some "filtering" or "trickle-down" in which tenants with higher incomes will "move up" to the new units creating vacancies in existing older accommodation.

The second problem is that the Federal Government requires Provincial matching, dollar for dollar, have up to $25,000 per unit for its contribution of $25,000. The Province has only committed $2,000 per unit (their Provincial Sales Tax Rebate) and expects participating municipalities, through provision of a combination of property tax rate reductions, development charges relief, land, and cash, to provide further matching funding.

Notwithstanding that municipalities have been advocating for the Provincial level of government to assume the costs for affordable housing, the Province's program design in essence transfers new responsibilities to municipalities. The Province will accept Hamilton's reduction in its "new multi-residential" tax class for new rental housing implemented in 2001 as equivalent to a municipal contribution to the program, the capitalized value of which is approximately $11,000 per unit. The Province is also advocating for relief from development charges for projects under the program and under changes to the Municipal Act has provided municipalities with the legislative "tool" of a Municipal Housing Facilities By-Law.

Details of the Community Rental Housing Program

Summary:

Attached as Appendix "C" are the detailed program requirements and parameters of the Community Rental Housing Program. The program provides applicant developers with capital grants to lower the cost of constructing new rental housing. Viability of the projects, without ongoing operating subsidies, is then presumed assured with monthly market rents at or below the average market rent for similar rental accommodation.

The Federal Government will contribute a maximum $25,000 per unit that must be matched by contributions from the province, the municipality, non-profit groups and/or charitable organizations. The Provincial contribution is $2,000 per unit.

This is equivalent to about $5.4 million in Provincial and Federal funding. Over the length of the program, it is anticipated that 700 units will be allocated to Hamilton resulting in a Federal and Provincial investment of approximately $19 million.

Grants will be awarded through the issuance of tender calls. Qualified projects will then be selected on the basis of the amount of funding requested. Funding will be awarded to projects starting from the lowest bid, up to the amount of funding allocated to each municipality.

In order for the City of Hamilton to participate in this program, a municipal housing facilities by-law must be in place that defines affordable rental housing and tenant eligibility criteria. At its meeting of April 11, 2002 (Report PD02001), Council approved in principle the establishment of a municipal housing facilities by-law and since then Housing Division staff have prepared a draft by-law that is currently under review by Legal and Finance staff. Staff will bring forward a recommendation report on the by-law to Committee of the Whole at the earliest opportunity or by mid-March 2003.

In addition, the Province also requires that property taxes paid by successful proponents will have to be set at the single-family rate. The City's establishment of a "New Multi-Residential" tax class in 2001 will to a large extent satisfy this requirement. Combined with a Municipal Housing Facilities By-law, the City will achieve this program requirement on a project specific basis.

As the program focuses on capital grants to reduce the cost of new construction, staff are encouraged that this will result in the take-up of vacant and/or underutilized lands in the existing built-up area of the City that have been previously "uneconomic" to develop for residential uses. This is desirable, as the population of these areas will be enhanced, new development will contribute to neighbourhood revitalization and generate local community economic benefits.

Program Origin:

On December 6, 2002, the Province of Ontario announced the framework for municipal delivery across Ontario of the Community Rental Housing Program. The Provincial announcement sets in motion the delivery of the Ontario share of the new Federal funding for affordable housing announced in the 2001 Federal budget.

The announcement has been long awaited. The new Federal program was first proposed in the fall 2000 Liberal platform and was announced in early 2001. Following negotiations, a Federal/Provincial/Territorial Agreement was reached on November 30, 2001 setting a framework for the initiative. Multi-year funding was confirmed in the in the federal budget of December 2001. Under the F/P/T Agreement, provinces are given wide flexibility in determining priorities, delivery arrangements, and matching funding. On May 30, 2002, Canada and Ontario signed an agreement to provide $244.7 million in federal funding in Ontario, over the four fiscal years 2002/03 through 2005/06, with the main priority being new rental housing

The announcement is a major step, representing the first Federal and Provincial commitments to affordable housing supply since cancellation of funding for new social housing (Federal 1993, Provincial 1995). The funding responded to strong advocacy for a new national housing program by the Federation of Canadian Municipalities and homelessness activists. New rental and affordable housing remains an important priority. Continued population and household growth in Hamilton requires ongoing increases to the supply of rental and affordable housing. Supply of affordable housing is guided by long-term demographic and socio-economic needs and not by fluctuating vacancy rates and economic cycles.

As a result, three significant federal programs will now be available to help the City of Hamilton address affordable housing needs. These are the Community Rental Housing Program, the Supporting Communities Partnership Initiative (SCPI) and the Residential Rehabilitation Assistance Program (RRAP). The latter two are expected to be renewed for 2003/04 onward over the next few months.

In addition, these Federal program initiatives dovetail effectively with the City of Hamilton's program initiatives under the Hamilton Affordable Housing Partnership Initiative (HAHPI) which were approved by Council on January 29, 2003. These initiatives include:

- Establishment of the "HAHPI Housing Partnership Fund" to partner in the funding of new permanent affordable rental housing in the City of Hamilton through one-time capital contributions for private sector and community-led projects;

- The creation of a "Housing Hamilton Innovations Fund" (HHIF) to pioneer and stimulate innovative new responses to affordable rental and ownership housing needs; and,
- Funds for the City-owned housing corporations (CityHousing Hamilton) to develop affordable rental housing projects under the leadership and direction of the Board of Directors.

Unit Allocations:

The program will provide $244.7 million in Ontario over 4 years as capital contributions. The first round of the Community Rental Housing Program involves allocations of 3,200 units to the 12 municipalities in high-growth or low-vacancy rental markets. Hamilton's share is 200 units, equivalent to about $5.4 million in Provincial and Federal funding. Over the length of the program, it is anticipated that 700 units will be allocated to Hamilton resulting in a Federal and Provincial investment in our community of approximately $19 million.

Types and Affordability of Projects:

The focus of the Community Rental Housing Program is for the construction of rental units that will be available at rent levels similar to existing average rent levels in Hamilton. Units developed through the Community Rental Housing Program are very different from rental units developed through the former social housing programs. All on-going operating costs of these developments are the responsibility of respective landlord and are not subsidized.

Funded units must achieve average market rents by unit size (as measured by the CMHC Rental Survey) for 15 years. Annual rent increases must not exceed the Tenant Protection Act (TPA) guideline. For a further 5-year phase-out period, the TPA guideline protection will remain only for tenants in place.

The priority is new construction of multi-residential projects. Conversion of non-residential buildings and renovation of abandoned/unoccupied building are also eligible. Up to 25 percent of projects in any municipality may be condominium-registered rental projects.

Municipalities delivering the program may add additional requirements, such as:

- target groups;
- priority locations;
- affordability extended to 20 years + 5-year phase out;
- development and design standards;
- use of the Rent Supplement Program;
- other additional requirements if desired by the municipality.

A report outlining any municipal additional requirements desired will be provided in a future after further consultations with the Province, the community, and as more details of the program emerge.

The program is intended to encourage affordable housing by the private and non-profit sectors. The Province encourages a target of 20% of funding for the community-based non-profit sector. Municipal housing agencies (such as CityHousing Hamilton) are eligible, but are limited to 25% of the total funding. The Province encourages "headlease" arrangements where a private firm undertakes the development and enters into a long-term lease with a non-profit operator.

Delivery Arrangements:

The Community Rental Housing Program will be delivered by selected municipalities. The municipal delivery role includes conducting tender calls, selecting projects, co-ordinating other funding, and monitoring long-term affordability, as well as administering the agreements with developers over their life.

Funding will be allocated through competitive tender calls, under a "two envelope" process. First, proposals will be screened on whether they meet mandatory provincial and municipal requirements - essentially a pass/fail test or ranking by the municipality. Second, proposals will compete for funding, with priority given to those needing the least federal funding per unit. The City will be required to establish Tender Opening and Evaluation Committees prior to the closing of the tender call.

The Province has indicated that it requires a Council-approved list of eligible projects by no later than June 30, 2003. Recognizing this time frame, it will be imperative that inter-departmental staff, including Purchasing, works closely and in a timely way to ensure that all City and Provincial protocols are adhered to.

Municipal Requirements:

The Province will enter into an "Administration Agreement" with each municipality and will pay an administration fee (3.27 percent) of the value of capital funding advanced to the City. This will equate to about $176,500 for Hamilton for the first 200 units, one-third of it being paid at the outset. A "Contribution Agreement" will be signed between the Province and each successful proponent. Capital funding will then be advanced directly by the Province, in three stages per project.

Municipalities delivering the program are required to have a property tax rate for new multi-residential projects that is no higher than the Residential ("single family") rate. The City's current "New Multi-Residential" tax class is 1.25 compared to the "Residential" tax class of 1.0. The current rate will need to be amended to reflect the Provincial requirement prior to receiving approvals for specific projects.

The City is also required to pass a "Municipal Housing Facility By-law" which defines affordable housing, outlines tenant eligibility and summarizes the scope and content of the individual agreements that could be established with private sector and community-led housing developers. In effect, this by-law enables the allocation of monies to private developers without contravening the bonusing prohibitions of the Municipal Act. In particular, the Province is suggesting the waiving of development charges as a major incentive. Finance staff is currently reviewing this idea.

Housing Division staff has prepared a draft Municipal Housing Facility By-law that is currently being reviewed by Legal and Finance staff. It is anticipated this By-law will be forwarded for the consideration of Committee by March, 2003.

Matching Funds:

The Community Rental Housing Program involves "matching" the federal funds at two separate levels.

First, to enable federal funds to be available, they were "matched" on paper in the May 2002 Federal–Ontario agreement through various sources. These consist of $21.5 million in PST rebates, $35 million in existing provincial housing spending (new supportive housing funded in 2000-2001, provincial sites, etc.), $16.7 million in projected fundraised/non-profit contributions, and $178 million in projected municipal contributions. Constitutionally, the Province may count municipal contributions as part of their matching funds. The majority of municipal contributions in this context consist of the value of lowering property taxes to the New Multi-Residential tax rate and the waiving of development charges.

Second, in delivery of the program, federal funds (averaging $25,000 per unit) must be matched across all units in each municipality. Individual project matching funds may vary. In Hamilton, the tax savings inherent in the New Multi-Residential property tax rate will account for just under one-half of the matching $25,000. The remainder may consist of the provincial PST rebate of up to $2,000 per unit, municipal contributions, and fundraised or non-profit sponsor equity or land.

COMMENTS:

The Community Rental Housing Program will result in the creation of 700 rental units in the City of Hamilton over the next 4 years. These 700 units equate to a Provincial and Federal investment of approximately $19 million. As the details of the program have been made available, it is clear that there is interest among the local homebuilding and development industry and non-profit housing community to participate in this program and a desire for the City of Hamilton to deliver this program.

As the program focuses on capital grants to reduce the cost of new construction, staff is encouraged that this will result in the take-up of vacant and/or underutilized lands that have been previously "uneconomic" to develop for residential uses. In particular, staff anticipates activity in the Lower City of the former City of Hamilton.

This is desirable, as the population of these areas will be enhanced, new development will contribute to neighbourhood revitalization and also generate local community economic benefits.

The Community Rental Housing Program offers the first opportunity in a decade to engage the Federal and Provincial governments in providing more rental and affordable housing. Further, the Community Rental Housing Program greatly enhances the resources available to the City to develop new rental housing supply in tandem with the initiatives of the Hamilton Affordable Housing Partnership Initiative.

ANALYSIS OF ALTERNATIVES:

There are no alternatives for delivery of the Community Rental Housing Program. The delivery framework has been determined by the Provincial and Federal governments and the only delivery option is through the local municipality.

By not participating in the Community Rental Housing Program, the $19 million in Federal and Provincial funding earmarked for Hamilton will be allocated to other municipalities. Local developers are keen on utilizing the program grants and will be disappointed. Further, a clear opportunity to provide 700 new rental housing opportunities for lower and modest income Hamilton households will have been lost.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial – The Province will pay a one-time fee for municipal delivery and administration of 3.27% of the capital funds disbursed. One-third of the fee (estimated $53,000 of $176,581) will be paid up front upon execution of the Municipal Administration Agreement. Financial implications of any municipal incentives or contributions will be determined and described in a future staff recommendation report on the Municipal Housing Facilities By-law.

Staffing – As part of the 2003 Budget process, the need for one (1.0) FTE was identified for the implementation of the Community Rental Housing Program. The program enhancement was deemed to be unaffordable and staff agreed to evaluate existing service levels in other functional areas of the Housing Division to look for FTE offsets for the position required in tandem with the administration fee to be collected from the Province.

Staff analysis and consultation with other municipalities reveals that the considerable program delivery and administration requirements and the utmost need for "due diligence" in a sensitive new function and responsiveness to the normal complexities of development all requires a minimum of one (1.0) FTE with appropriate supervisory and clerical support. Further, consulting assistance may be required as and when needed. Due to the June 1st 2003 deadline for tender award recommendations, it is imperative that staff proceed immediately with hiring an experienced qualified staff person who can "hit the ground running".

The fee will be insufficient to cover one FTE and all other costs. As indicated at the Housing Division Budget presentation to Committee, staff will review existing complement and work pressures to combine job duties and obtain an FTE offset, endeavouring at the same time to minimize any service level reduction.

Legal – Legal staff have reviewed the draft Administration Agreement and have not identified any concerns. The City's Signing Officers will review the final agreement again prior to execution.

POLICIES AFFECTING PROPOSAL:

None.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Housing Division staff have consulted with Finance and Legal staff in regard to the delivery of the Community Rental Housing Program. Further, Housing Division staff is also in continual discussion with Provincial staff clarifying implementation details and administration of the Program.

There have been a number of discussions with the local homebuilding/development industry and community organizations on the timing and content of program implementation in Hamilton.

CITY STRATEGIC COMMITMENT:

Approval and implementation of the Community Rental Housing Program supports the following goals of the City's Strategic Plan:

1. *A City of Growth and Opportunity*
   c) Developing Partnerships for Hamilton with Other Levels of Government
   "Council will urge its government partners to take the steps necessary to support the City in its efforts."

2. *A Great City in Which to Live*
   b) Supporting People in Need, with Care
   "Council will seek work with other levels of Government and the community to ensure that people in need are supported and cared for."

3. *A Healthy, Safe and Green City*
   i) Municipal Housing Program
   "Develop and implement a municipal affordable housing program."

MM/KE/ke

Appendix "A" to Report PD03037

Ministry of
Municipal Affairs
and Housing

Office of the Minister

777 Bay Street
Toronto ON M5G 2E5
Tel: (416) 585-7000
www.mah.gov.on.ca

Ministère des
Affaires municipales
et du Logement

Bureau du ministre

777 rue Bay
Toronto ON M5G 2E5
Tél: (416) 585-7000
www.mah.gov.on.ca

Ontario

December 13, 2002

Dear Mayor/Chair/Warden:

In May, 2002, the Province of Ontario and the Government of Canada signed an agreement for the provision of new affordable housing. During the next five years, capital funding for rental and home ownership projects will be made available through the Affordable Housing Program. The main objective of the Affordable Housing Program is to construct approximately 10,500 new affordable units across the province.

On Friday, December 6, I announced details of the first phase of the Community Rental Housing component of the program for rental projects. There are two other small program components for home ownership and northern, remote projects, with details to follow in 2003.

As you are aware, there is a significant role for municipalities in the rental housing component of the program. As partners with the federal and provincial governments, municipalities are critical to the success of the program.

Community Rental Housing funding will be available through tender calls in municipalities that have identified a need for affordable rental housing, and are taking steps to create an environment where new affordable rental housing development is encouraged. Municipal contributions of lower property taxes for rental buildings, and optional contributions such as waived or reduced development charges will maximize the impact of the program in addressing the local need for affordable rental housing.

I am inviting those municipalities designated as service managers to manage tender calls for project submissions and to select the projects most suited to local needs. Your Council's participation will ensure that program funding is available for affordable rental housing in your local community.

Complete details of the Community Rental Housing component are set out in the program material, and the information guide that will be sent under separate cover.

The allocation of units for Community Rental Housing, by service manager area, for the first phase, has been determined. Please see attached chart outlining the first unit allocations. As you will see, units have been reserved for rental projects in twelve high-need municipalities. If service managers demonstrate that more units can be delivered in the first phase, a greater number of units may be negotiated. Allocations for other areas will be made after the ministry receives an expression of interest, and documentation of an identified need for affordable rental housing, from a service manager in any of these locations, on a first-come, first-served basis.

The actual funding available for projects in an area will depend on submissions made in response to a locally managed tender call, the level of contributions from a municipality or other source, as well as the number of projects approved for funding in an area. Municipal administrative costs arising from managing tender calls will be compensated under the program.

I would encourage you to make best efforts to allocate at least 25% of the units for rent supplement from the previously announced distribution of rent supplement funding.

The Ministry of Municipal Affairs and Housing will hold information sessions for all service managers to answer detailed questions.

If you have any further questions or require further information concerning the Affordable Housing Program please contact your local Municipal Services Office, the Market Housing Branch or our website at www.mah.gov.on.ca.

Sincerely,

Hon. Chris Hodgson
Minister

Attachment

c: Chief Administrative Officer
City Manager
City Administrator
County Manager
Commissioner

Community Rental Housing
Unit Allocations – First Phase

Target Allocations - Service Managers	Total Unit Allocation
City of Toronto	1000
Regional Municipality of Peel	380
City of Ottawa	300
Regional Municipality of York	300
Regional Municipality of Waterloo	200
Regional Municipality of Durham	200
City of Hamilton	200
Regional Municipality of Halton	140
County of Simcoe	140
City of London	140
City of Kingston	100
County of Wellington	100
Other Areas*	800
TOTAL	4000

Municipal Services Offices

Central Municipal Services Office
serving Durham, York Peel, Halton, Simcoe, Muskoka, Dufferin, Niagara. Hamilton-Wentworth and Toronto

416-585-6226

Eastern Municipal Services Office
serving Frontenac, Haliburton, Hastings Lanark, Leeds and Grenville, Lennox & Addington, Northumberland, Ottawa. Prescott-Russell, Prince Edward, Stormont, Dundas/Glengarry, Kawartha Lake, Renfrew and Peterborough

613-548-4304

Northeastern Municipal Services Office
serving Cochrane, Algoma, Manitoulin, Sudbury, Parry Sound, Nipissing and Timiskaming

705-564-0120

Northwestern Municipal Services Office
serving Thunder Bay, Kenora and Rainy River
807-475-1651

Southwestern Municipal Services Office
serving Elgin, Essex, Grey, Haldimand, Norfolk. Huron, Chatham-Kent, Lambton, Middlesex, Oxford and Perth

519-873-4020

Ministry of Municipal Affairs and Housing
Market Housing Branch
416-585-6524

For Immediate Release
December 6, 2002

CANADA AND ONTARIO ANNOUNCE FIRST PHASE OF AFFORDABLE HOUSING PROGRAM

WATERLOO - The federal and provincial governments today announced the allocation of 3.200 units for low to moderate income residents in 12 municipalities under the Community Rental Housing Program. The units were allocated to municipalities with the highest need for affordable housing under the first phase of the Canada/Ontario Affordable Housing Program Agreement.

The Affordable Housing Program will provide $489.42 million over the next five years to help increase the supply of affordable housing in the province. Government of Canada funding of $244.71 million, together with matching contributions from the Province of Ontario, municipalities and other private and non-profit partners will help create an estimated 10,500 affordable housing units in Ontario.

"The Government of Canada's commitment to this Program builds on the existing annual contribution of approximately $676 million in grants, contributions and subsidies which serve some 243,000 Ontario households," said Steve Mahoney, Parliamentary Secretary for CMHC on behalf of the Honourable David Collenette, Minister of Transport and Minister responsible for CMHC. "This federal-provincial partnership underscores our joint efforts to improve housing affordability in Ontario."

"This program is a good first step in encouraging charitable organizations and non-profits to work with the private sector to kick-start the production of affordable housing in our province," said Ontario Minister of Municipal Affairs and Housing Chris Hodgson. "At the same time, all governments — federal, provincial and municipal — must work in partnership to remove barriers and encourage investment in affordable housing."

- In order to qualify for funding, affordable rental projects must meet all the mandatory program criteria, local housing priorities and affordable rent targets set out in municipal requirements. Qualified projects will then be selected on the basis of the amount of funding requested. Project proposals must indicate the source and value for all contributions to the project. Funding will be awarded to eligible projects, starting from the lowest bid, up to the amount of funding available for each Service Manager area.

- Municipalities are encouraged to make best efforts to use their existing rent supplement programs to make units affordable to low-income households.

- Units built under the program must be similar in size and amenities to other housing in the community, with rents that must remain affordable for a minimum period of 15 years, with a phase out of affordable rents over a five-year period.

- Private-sector companies, and non-profit, service club, religious and charitable organizations are eligible for the program.

- Private-sector proponents have the option of entering into head-lease agreements with charitable and non-profit agencies.

- Each selected project will receive an automatic $2,000 from the province for every eligible unit to offset the cost of the Provincial Sales Tax on construction material, matched by $2,000 in federal funding.

- Federal funding must be matched by contributions from the province, municipality, non-profit groups and/or charitable organizations. The average contribution of federal funding will be $25,000 per unit across the province.

- Further information about the CMHC-Ontario Affordable Housing Program is available on the Ministry of Municipal Affairs and Housing website at www.mah.gov.on.ca or the CMHC website at www.cmhc.ca.

MMAH - SERVICE MANAGER ADMINIS

Affordable Housing Program-
Community Rental Housing Component

This Agreement made the day of 2002.

BETWEEN:

HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO
AS REPRESENTED BY
THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING

(hereinafter called “**MMAH**”)

CONFIDENTIAL

- and -

(hereinafter called the “**Service Manager** ”)

WHEREAS:

A. In order to create a supply of **Affordable Housing**, Canada Mortgage and Housing Corporation (“**CMHC**”) and the Ministry of Municipal Affairs and Housing entered into a bi-lateral agreement dated May 30, 2002 (the “**CMHC - Ontario Affordable Housing Program Agreement**”).

B. **MMAH** has established the **Affordable Housing Program-Community Rental Housing Component** pursuant to which **MMAH** will provide **CMHC** funds and **MMAH** funds for the acquisition, construction, conversion, major repair or renovation of **Housing** for **Affordable Housing** purposes by builders and owners of such **Housing** on the condition that such activities also be funded by **Contributions by Others**, as defined in this Agreement.

C. **The Service Manager** wishes to participate in the **Affordable Housing Program-Community Rental Housing Component** as more particularly set out in this Agreement.

D. **MMAH** and the **Service Manager** have entered into this Agreement for the purpose of establishing the **Service Manager's** obligations with respect to the tender process, the pre-occupancy period and the post-occupancy period under the **Affordable Housing Program-Community Rental Housing Component** and for the purpose of setting out **MMAH's** obligation to provide funding to the **Service Manager** on account of the **Service Manager's** administrative costs of participating in the **Affordable Housing Program-Community Rental Housing Component** .

E. **MMAH** has entered into this Agreement pursuant to the *Ministry of Municipal Affairs* *and Housing Act.*

F. The **Service Manager** is participating in the **Affordable Housing Program-Community Rental Housing Component** pursuant to the *Social Housing Reform Act, 2000* and the *Municipal Act.*

NOW THEREFORE, **MMAH** and the **Service Manager** agree with each other as follows:

1. INTERPRETATION

1.0 In the Agreement, unless the context requires otherwise,

- **"Administration Costs"** means the **Service Manager**'s cost of performing tasks under this Agreement including costs for communications and agents used for the purpose of the **Tender Call**;

- **"Affordable Housing"** means **Housing** which is modest in terms of floor area and amenities, based on household needs and community norms, is priced at or below **Average Market Rents** for comparable **Housing** in a community or area but does not include residential premises in a nursing home, retirement home, shelter, crisis care facility or any other type of similar facility;

- **"Affordable Housing Program-Community Rental Housing Component"** means the Affordable Housing Program described in the **Instruction Guide**;

- **"Affordable Period"** means the period during which **Unit** rents are required to be maintained at or below **Average Market Rents** as established by the **Service Manager** in accordance with the **Instruction Guide**;

- **"Average Market Rents"** means the average rent figures based on geographical areas and classified by bedroom count as determined annually in the **CMHC** Average Market Rent Survey;

- **"Business Day"** means each Monday, Tuesday, Wednesday, Thursday and Friday except when any such day occurs on a statutory holiday observed in Ontario;

- **"Contribution Agreement"** means an agreement entered into by the **Service Manager** or **MMAH** and an approved **Proponent** for contributions under the **Program**;

- **"Contributions by Others"** means cash or in-kind eligible contributions from municipalities, the private sector, the voluntary sector, charities and individual donors used in accordance with the **Program**. It does not include contributions from any other Government of Canada sources, including, but not limited to the **CMHC**-Ontario Social Housing Agreement dated November 15, 1999, nor contributions which receive credit under any agreement with **CMHC** outside this Agreement nor equity contributions to the **Project** made by the **Proponent** to the extent required in the **Tender Call**;

- **"Development Activities"** means those activities which are normally undertaken for the development, construction, repair, renovation or conversion of buildings for residential purposes and include, without limitation, preliminary activities such as the acquisition of land, the preparation of plans and the making of all applications for municipal approvals ;

- **"Housing"** means residential accommodation and facilities, common areas and services used directly with the residential accommodation. Housing does not include commercial or institutional premises, social or recreational services, and services or facilities related to mental or physical health care, education, corrections, food services, social support or public recreation;

- **"Instruction Guide"** means the Instruction Guide issued by the Minister and attached to this Agreement as Schedule "A";

- **"Occupancy Date"** means the date on which an occupancy permit has been issued under the *Building Code Act* for one or more **Units** in a **Project**, or the date that any such occupancy is permitted under the said Act;

- **"Parties"** means **MMAH** and the **Service Manager** and **"Party"** means any of them, as the context may require;

- **"Phase-out Period"** means the five year rent transition period immediately following the end of the **Affordable Period**;

- **"Program"** means the **Affordable Housing Program-Community Rental Housing Component**;

- **"Project"** means **Affordable Housing** proposed or approved for the **Program**, as the context may require;

- **"Proponent"** means a person or other legal entity that has submitted a **Tender**;

- "**Tender**" means a tender submitted to the **Service Manager** pursuant to the **Tender Call**;

- "**Tender Call**" means the tender call issued pursuant to section 3.0 of this Agreement;

- "**Unit**" means a self-contained residential dwelling including, without limiting the generality of the foregoing, (i) supportive rental **Housing** where service funding is secured from sources other than **CMHC** funds and **MMAH** funds provided under the **Affordable Housing Program-Community Rental Housing Component**, (ii) multi-bedroom units which are used for congregate living and (iii) disabled/accessible units.

1.2 The following are the schedules attached to and forming a part of this Agreement:

Schedule A	- Instruction Guide
Schedule B	- Rental Rule Protocol
Schedule C	- Quarterly Reporting Form
Schedule D	- Project Owner's Annual Reporting Form
Schedule E	- Service Manager's Annual Reporting Form
Schedule F	- Communications Protocol

1.3 The Schedules to this Agreement form a part of the Agreement. In the event of an inconsistency between any provisions of this Agreement and any provisions of a Schedule, the provisions of this Agreement shall prevail.

1.4 All references in this Agreement to section numbers are references to sections of this Agreement unless stated otherwise.

2. PRE-TENDER CALL REQUIREMENTS

2.1 Prior to the **Service Manager** issuing the **Tender Call**

(a) the **Service Manager**, in its capacity as a municipality, or the local municipality or municipalities to which the **Tender Call** applies shall pass a by-law which complies with subsection 6(2) of Ontario Regulation 46/94, as amended, and which contains, among other matters, a definition of **Affordable Housing** which complies with the definition thereof in this Agreement and which requires that **Unit** rents in all **Projects** shall be maintained in accordance with the Rental Rule Protocol attached hereto as Schedule B;

> | (b) the **Service Manager** in its capacity as a municipality, or the municipality or

municipalities to which the **Tender Call** applies, shall pass a by-law or by-laws under which the general property tax rate applicable to **Units** built under the **Program** is at or below the general property tax rate applicable to single family dwellings. With respect to areas where there are two tiers of local government, "general property tax rate" means the general property tax rate of both the lower tier municipality and the upper tier municipality.

DRAFT

(c) The **Service Manager** shall establish income limits, at levels which it considers appropriate, which it shall apply as a requirement for all applicants for tenancies of **Units**, but it shall not apply them as a requirement for tenants during the term of their tenancies or upon any lease renewal or extension. The **Service Manager** shall periodically review such income limits and, if it considers it necessary, revise them to levels which it considers appropriate.

3. TENDER CALL

3.1 The **Service Manager** shall

(a) prepare **Tender Call** documents which comply in form and content with the **Instruction Guide**,

(b) issue and conduct the **Tender Call** in accordance with the requirements of the **Instruction Guide**,

(c) manage the **Tender Call** process in accordance with the requirements of the **Instruction Guide**, and

(d) evaluate the submitted **Tenders** in accordance with the requirements of the **Instruction Guide**.

3.2 The **Service Manager** shall issue, conduct and manage the **Tender Call** as an open, transparent and fair competitive selection process which meets the requirements of the **Instruction Guide**.

3.3 On or before , 2003. the **Service Manager** shall submit to **MMAH** a list of **Tenders** which meet the requirements of the **Instruction Guide** and which it recommends for the receipt of **CMHC** and **MMAH** funds under the **Program**. The **Service Manager** shall rank the priority of eligible **Tenders** by ascending monetary order such that the **Tender** proposing the lowest per **Unit** funding, weighted in accordance with the **Instruction Guide**, shall have the highest priority and the **Tender** proposing the highest per **Unit** funding, weighted in accordance with the **Instruction Guide**, shall have the lowest priority. The **Service Manager** will submit to **MMAH**, in the order of priority required in this section 3.3, only those **Tenders** respecting which the amount of **CMHC** funds and **MMAH** funds applied for do not exceed, in total, the maximum amount of funds budgeted by **MMAH** for the **Tender Call** pursuant to section 3.4.

3.4 **MMAH** shall allocate the **CMHC** and **MMAH** funds to the **Projects** proposed in the **Tenders** submitted by the **Service Manager** pursuant to section 3.3 according to the following rules:

(a) Prior to the issuance of the **Tender Call**, **MMAH** shall establish a maximum budget of the **CMHC** and **MMAH** funds for allocation to **Projects** proposed in the **Tenders** to be submitted in response to the **Tender Call**. The said maximum budget shall be based on a maximum budget allocation per **Unit** and the number of **Units** which the **Service Manager** wishes to be provided pursuant to the **Tender Call**.

(b) **MMAH** will allocate the budgeted **CMHC** and **MMAH** funds to **Projects** submitted in the **Tenders** recommended by the **Service Manager** in ascending monetary order of priority as set out in section 3.3, subject to the limitations set out in section 3.4(c).

(c) Every allocation of funds by **MMAH** to a **Project** shall be for the full amount of the funds applied for in the respective **Tender**; provided, however, that no allocation shall be made to any **Project** if the budgeted funds remaining after the allocation of funds to **Projects** of higher priority, exceed the total amount of the funding applied for in such **Tender**. The total number of **Units** in approved **Projects** may exceed the number upon which **MMAH** based its budget pursuant to section 3.4(a) provided that the resulting total allocation and the resulting per **Unit** allocation do not exceed the total allocation and the per **Unit** allocation, respectively, budgeted pursuant to section 3.4(a).

(d) **MMAH** shall have the right, in its sole discretion, to re-allocate any budgeted funds remaining after making its allocations to the **Projects** pursuant to section 3.4(b).

3.5 **MMAH** shall not be obligated to allocate any monies whatsoever pursuant to section 3.4(b) unless the **Tender Call** complies with the requirements of the **Instruction Guide**. **MMAH** shall not be obligated to allocate any monies to any **Tender** pursuant to section 3.4(b) unless the **Tender** complies with the requirements of the **Tender Call**.

4. PAYMENTS BY MMAH

4.1 **MMAH** shall pay the **Service Manager**, within 15 **Business Days** following the execution of this Agreement by both **Parties**, an advance on account of **Administration Costs**

4.2 If the **Service Manager** is not in breach of this Agreement and if **MMAH** has approved an allocation of funds pursuant to section 3.4(b), **MMAH** shall make one or more payments to the **Service Manager** on account of the balance of the **Administration Costs**, on the ninetieth day after the execution of the first **Contribution Agreement**, as follows:

(a) The maximum total amount of such payment or payments shall be calculated

(b) No payment under this section 4.2 shall be made with respect to any **Project** until a **Contribution Agreement** respecting such **Project** has been executed with respect to such **Project**. Payments respecting individual **Projects** shall be calculated as pro rata portions of the amount calculated under section 4.2(a) based on proportionate **Unit** counts.

(c) No payment under this section 4.2 shall be made to the extent that the amount paid pursuant to section 4.1 exceeds the pro rata portion attributable to the **Project** or **Projects** respecting which a **Contribution Agreement** has been executed.

5. POST TENDER ADMINISTRATION

5.1 During the period prior to **Occupancy**, the **Service Manager** shall monitor all **Projects** which have received a funding allocation pursuant to section 3.4 to ensure that **Proponents** carry out all **Development Activities** required in the **Tender Call** or proposed in or intended by the **Tender** and that they are carrying out such **Development Activities** in such manner and within such time periods as are set out in the **Tender Call** or the **Tender**.

5.2 The **Service Manager** shall, at the request of **MMAH**, provide **MMAH** with proof that occupancy of a **Project** is legally permitted under the *Building Code Act*.

5.3 The **Service Manager** shall immediately inform **MMAH** in writing of the following matters as soon as it becomes aware of them:

(a) any failure by the **Proponent** to carry out all **Development Activities** required in the **Tender Call** or proposed in or intended by the **Tender** or any failure to carry out such **Development Activities** in such manner and within such time periods as are set out in the **Tender Call** or the **Tender**,

(b) any breach by the **Proponent** of its **Contribution Agreement** with **MMAH** or the **Service Manager**, or any breach of any other contribution agreement respecting the **Project** by any party thereto,

(c) the **Proponent** becoming bankrupt or insolvent or taking the benefit of any act now or hereafter in force for bankrupt or insolvent debtors or filing any proposal or making any assignment for the benefit of creditors or any arrangement or compromise,

(d) the appointment of a receiver or a receiver and manager for all or a portion of a **Project**, and

(e) the taking of any steps or any action or the institution of any proceedings by a **Proponent** or by any other party including, without limitation, any court or governmental body of competent jurisdiction for the dissolution, winding up or liquidation of the **Proponent** or its assets.

6. ACCOUNTABILITY FRAMEWORK

6.1 During the period between date of execution of this Agreement and the date of **Occupancy** of all of the **Projects**, the **Service Manager** shall complete and submit to **MMAH** reports on all of the said **Projects** on or before the 10th **Business Day** following the last day of March, June, September and December in each year in the form attached to this Agreement as Schedule C.

6.2 During the period between the **Occupancy Date** of each **Project** and the end of the **Phase-out Period**, the **Service Manager** shall

6.3 During the period between date of execution of this Agreement and the date of **Occupancy** of all of the **Projects**, **MMAH** and the **Service Manager** shall collaboratively review annually the progress of utilization of the **CMHC** and **MMAH** capital funding by the **Proponents** at their respective **Projects** on the basis of the reports submitted pursuant to Schedules C and E.

6.4 The **Service Manager** acknowledges that **MMAH** is required to report to **CMHC** under the **CMHC-Ontario Affordable Housing Program Agreement** and that, in order to fulfill the said reporting requirements, it will be relying on the materials to be provided to it pursuant to sections 6.1 and 6.2 and on the collaborative review of these materials pursuant to section 6.3.

6.5 The **Service Manager** shall, on twenty-four hours' prior written notice, give the employees or agents of **MMAH** free access to such staff, documents, books, records and accounts as determined by the employees or agents of **MMAH**, for the purpose of verifying compliance with this Agreement.

6.6 **MMAH** may cause its employees or agents to conduct an audit, investigation or inquiry in relation to a **Project** or any larger development or project of which any **Project** is a part and the **Service Manager** shall co-operate with the employees or agents of **MMAH** and provide free access to such staff, documents, books, records and accounts as determined by the employees or agents of **MMAH**.

6.7 The provisions of sections 6.4 and 6.5 shall continue to apply for a period of seven years following the end of the **Phase-out Periods** for all of the **Projects** or the date of any early termination of this Agreement.

6.8 The **Service Manager** shall enter into an agreement with the **Proponent** which imposes on the **Proponent** such obligations as enable the **Service Manager** to fulfill its obligations under sections 5.1, 5.2, 6.1, 6.2 and 6.3.

6.9 If the **Service Manager** makes a contribution in the nature of a **Contribution by Others** to any **Project** to which **MMAH** has allocated funds under this Agreement, it shall enter into a **Contribution Agreement** with the **Proponent** for such **Project**. The provisions of the agreement required pursuant to section 6.8 may be included in any **Contribution Agreement** entered into by the **Service Manager**.

6.10 The **Service Manager** represents that it has not provided **MMAH** with any false or misleading information respecting the subject matter of this Agreement, and agrees that it shall not provide any false or misleading information to **MMAH** in the performance of its obligations under this Agreement.

6.11 **[May Service Manager hold mortgage security from the proponent? If so, how will it rank re security of MMAH or others?]**

7. REMEDIES

7.1 If the **Service Manager** breaches any one or more provisions of this Agreement, **MMAH** may, subject to section 7.2, terminate this Agreement and the **Service Manager** shall thereupon, upon twenty (20) **Business Days'** prior written notice from **MMAH**, repay to **MMAH** all amounts previously paid to it by **MMAH** under this Agreement.

> 7.2 In the case of a default that can be corrected, the **Service Manager** shall not be required to make any payment required pursuant to section 7.1 unless

(a) **MMAH** has delivered to it written notice of the **Service Manager's** breach of the Agreement, and

(b) the **Service Manager** has not corrected the said breach within twenty (20) **Business Days** following its receipt of the said notice or such longer period as determined by **MMAH** in its sole and absolute discretion.

If the Service Manager has not corrected its default within the period established pursuant to section 7.2 (b), it shall repay to **MMAH**, within twenty (20) **Business Days** thereafter, all amounts previously paid to it by **MMAH** under this Agreement

7.3 Nothing in this Agreement is to be construed as authorizing one **Party** to contract for or incur any obligation on behalf of the other or to act as agent for the other and nothing in this Agreement shall be construed to constitute **MMAH** and the **Proponent** as partners of each other. In particular, **MMAH** is in no way accountable for any related environmental or pollution matters. Furthermore, the **Proponent** acknowledges that **CMHC** is not a party to this Agreement or other agreement relating to any **Project** and is in no way accountable for any related environmental or pollution matters. The **Service Manager** agrees to indemnify **MMAH** and save it harmless from all losses, costs, damages, expenses, injury and liability whatsoever which **MMAH** may suffer as a result of claims of any sort whenever made arising out of the implementation of this Agreement, including any environmental or pollution claims but except as caused or contributed to by **MMAH** other than by entering into or fulfilling this Agreement.

7.4 The remedies in this Agreement are cumulative and are not alternative and **MMAH** shall not be precluded from availing itself simultaneously of some or all of the said remedies and any other remedy otherwise available in equity or at law.

8. COMMUNICATIONS PROTOCOL

8.1 The **Service Manager** acknowledges that **MMAH** has entered into communication protocol covenants with **CMHC** under the **CMHC-Ontario Affordable Housing Program Agreement** as set out in Schedule F hereto. The **Service Manager** agrees that it shall co-ordinate its communications activities with **MMAH** so as not to cause **MMAH** to be in default of its obligations to **CMHC** under the said covenants contained in Schedule F.

8.2 The **Service Manager** shall provide the **MMAH** Co-chair referred to in Schedule F with information on each recommended **Tender** not less than ten **Business Days** before it notifies any **Proponent** of the decision to include its **Tender** on the list of recommended **Tenders** to be submitted to the council of the **Service Manager**.

8.3 The **Service Manager** shall ensure that **Tender** approval notifications are in a form acceptable to both **CMHC** and **MMAH** and shall identify the CMHC-Ontario Affordable Housing Program as a source of funding.

8.4 The **Service Manager** shall ensure that all public information material related to **Tender Calls** shall clearly and prominently indicate that the approved **Projects** are funded pursuant to the **CMHC-Ontario Affordable Housing Program Agreement**.

9. NOTICE

9.1 Any notice or other communication required, desired or permitted to be given by this Agreement shall be in writing and shall be effectively given if:

(a) delivered personally;

(b) sent by prepaid courier service; or

(c) sent by facsimile communication, and confirmed by mailing the original documents so sent by prepaid mail on the same or following day

(i) in the case of notice to:

MMAH at:

Ministry of Municipal Affairs and Housing
Attention: Director, Market Housing Branch
777 Bay Street, 14th Floor
Toronto, ON
M5G 2E5
Fax: (416)

(ii) in the case of notice to the:

Service Manager at:

or at such other address as the party to whom such notice or other communication is to be given shall have advised the party giving same in the manner provided in this section. Any notice or other communication delivered personally or by prepaid courier service shall be deemed to have been given and received on the day it is so delivered at such address, provided that if such day is not a **Business Day** such notice or other communication shall be deemed to have been given and received on the next following **Business Day**. Any notice or other communication transmitted by facsimile communication shall be deemed to have been given and received on the day of its transmission provided that such day is a **Business Day** and such transmission is completed before 4:30 p.m. on such day, failing which such notice or other communication shall be deemed to have been given and received on the first **Business Day** after its transmission. If there has been a mail stoppage and if a party sends a notice or other communication by facsimile communication, such party shall be relieved from the obligation to mail the original document in accordance with this paragraph.

10. GENERAL

10.1 The disbursement of funds by **MMAH** to the **Service Manager** under section 4, which funds are comprised of **CMHC** and **MMAH** funds, is subject to the necessary appropriations from the Federal Parliament and the Provincial Legislature, respectively. Neither **MMAH** nor **CMHC** shall have any liability in case there are no or insufficient appropriations for their respective portions of such funds or the total appropriations available for **CMHC** undertakings or Provincial undertakings are insufficient, respectively, for all of **CMHC**'s undertakings and Provincial undertakings

10.2 No member of

(a) the House of Commons or Senate of Canada or

(b) the Legislative Assembly of Ontario or

(c) the municipal council constituting the **Service Manager** herein or the municipal council of any local municipality of such **Service Manager** or the governing body of any municipal agency, board or commission of any of such municipalities

shall be admitted to any share or part of any contract, agreement or commission made pursuant to this Agreement or to any benefit arising therefrom, including, without limitation, any contract, agreement or commission arising from or related to the **Program**

10.3 The **Service Manager** shall not assign this Agreement without the consent of **MMAH**, acting in its sole discretion.

This Agreement has been executed on behalf of the **Parties** by their respective authorized officers.

MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING

____
(name)
(title)
Pursuant to delegated authority

CONFIDENTIAL

(Service Manager)

____

Name

Title:

c/s

Per:____________________________________

Name:

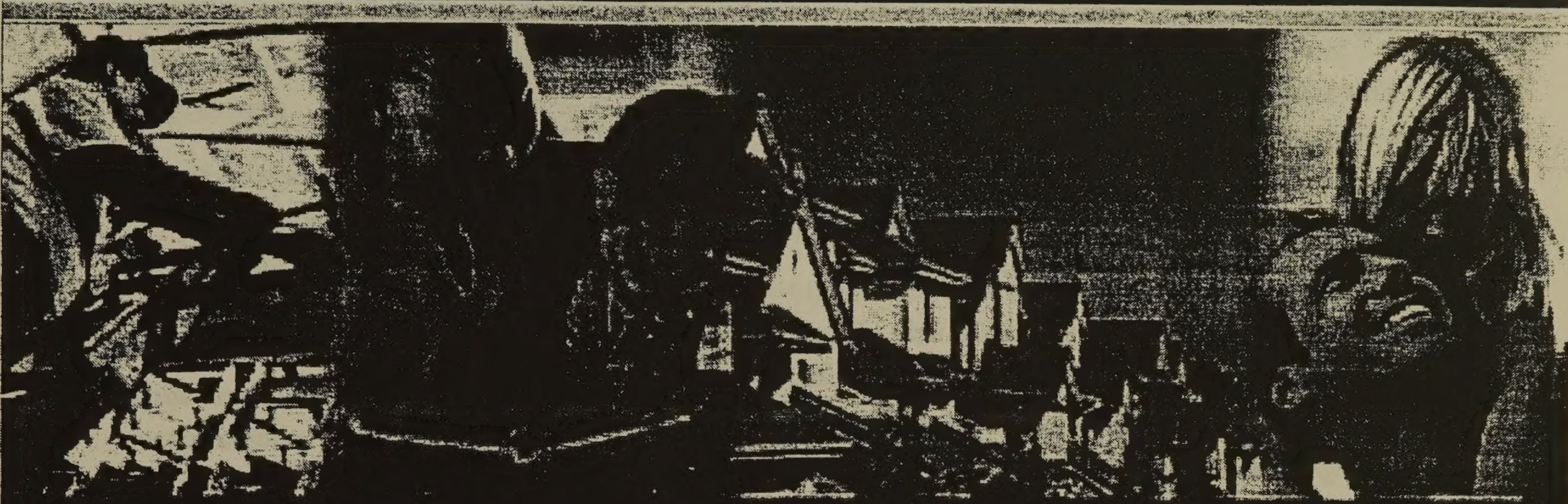
Title:

SCHEDULE “A”

DRAFT

Appendix “C” to Report PD03037

Affordable Housing Program



Community Rental Housing

Ontario Canada

About this booklet

The Community Rental Housing funding will be available through participating municipalities beginning in January, 2003.

This initiative is the main part of the Affordable Housing Program under the Canada-Ontario Affordable Housing Agreement. Over the next five years, up to 10,500 new affordable housing units will be created under this program.

This booklet provides information to help proponents get ready to propose projects for Community Rental Housing funding. It summarizes general program requirements, the tender call process and timelines.

Service managers[1] participating in the program will issue tender calls with detailed program requirements over the next few months.

For more information, please refer to the Ministry of Municipal Affairs and Housing website at www.mah.gov.on.ca.

For general inquiries and assistance, please refer to the ministry's contacts listed on Page 23.

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[1] Service managers are municipalities, agencies, boards or commissions as designated by provincial regulation, under the *Social Housing Reform Act, 2000.* They have responsibility for administering, funding and establishing new affordable housing programs for their local communities. There is a list of service managers at the back of this booklet.

General Information

On May 30, 2002, the Province of Ontario and Government of Canada signed an agreement for the provision of affordable housing in the province. This new initiative will be implemented through the collaborative efforts of three levels of government.

During the next five years, $244.71 million in federal funding will be available through this cost-sharing program. Federal funding will be matched by contributions from the province, through new and existing programs, and from municipalities and non-profit and charitable organizations.

The main objective of the program is to stimulate the construction of approximately 10,500 units of affordable housing in Ontario.

Most of these will be new rental units funded through the major program component, the Community Rental Housing funding.

The Community Rental Housing funding will reduce the capital costs for newly constructed rental buildings, making it economically feasible for landlords to charge affordable rents.

The program will help build affordable rental supply in the short-term, while governments continue to examine ways to improve the business climate for rental investment in the long-term. This includes examining tax-based incentives and other measures to improve the financial viability of rental housing.

Where will the funding be offered?

Community Rental Housing funding will be offered across the province where there is a demonstrated need for affordable rental housing.

There is no "one size fits all" solution in the Province of Ontario and service managers will play a key role in offering this funding in their geographic area. Each service manager may have council-approved program requirements that are consistent with the federal and provincial requirements outlined in this booklet.

Funding levels, affordable rent targets, maximum household incomes and local housing priorities will be included in the local program material developed by the service manager. This material will also set out the process for selecting projects and providing municipal contributions to the selected projects.

What funding is available for rental housing projects?

Builders and developers of rental projects will determine how much Community Rental Housing funding is needed for their projects, within any limits prescribed by service managers.

A builder will make a bid for funding which will be compared with all the other bids received in response to that area's tender call. The lower the bid, the better the chances of receiving program funding.

Community Rental Housing funding may be used only to reduce the capital costs of a project to bring rents down to the local affordable rent targets.

Community Rental Housing funding for individual projects will be made up of a provincial and a federal component. The provincial contribution is an automatic $2,000 per unit, to offset the cost of the Provincial Sales Tax on construction material for a typical rental unit.

Federal funding for individual projects will vary according to the proponent's bid although service managers may set a maximum amount for bids.

Federal funding in a service manager's area will be no more than the total of the value of contributions from other sources, including the province. If the municipal contribution of a single family tax rate for rental projects results in property tax savings, this will count as a contribution to match federal funding. Waivers or reductions of development charges and other contributions, if offered, will count. Cash or in-kind contributions from non-profit equity and land, the voluntary sector, charities and individual donors count as well.

Financing from private lenders and financial institutions, will be arranged by the project owners. First mortgages for projects and first mortgage guarantees will not be provided through Community Rental Housing funding.

Who can receive funding to build projects?

Eligible builders and developers include private sector companies, service clubs, religious groups and non-profit housing, including co-operative housing, and charitable organizations.

Proponents that are part of diverse business arrangements such as public-private ventures and private sector/non-profit partnerships in various forms are encouraged to propose projects. Private/public partnerships and head-lease arrangements are encouraged through favourable equity requirements under the program.

Proponents will compete for program funding through the local tender call. Their submissions will be made using a two-envelope tender. The first envelope in the tender will contain information about a proposed project. The second envelope in the tender will contain the proponent's competitive bid. Funding will be available to proponents whose projects have successfully competed for funding.

When will funding be available?

Service managers will issue the first tender calls beginning this winter. Projects will receive commitments of Community Rental Housing funding when the tender process is finished and projects with the lowest bids are selected.

Twenty-five per cent of the Community Rental Housing funding will be advanced to projects when building permits are secured and twenty-five per cent will be advanced at a designated point during construction. The final funding will be advanced when occupancy of the project is permitted.

What will the housing be like?

The housing will be like other multi-residential rental housing with self-contained units: high-rise and low-rise apartments, and town or row houses.

Most projects will be newly constructed. Projects that convert non-rental buildings to rental, or that substantially rehabilitate rental buildings that are vacant and uninhabitable will be eligible as well.

The housing must be similar in size and amenities to other housing in the community. Service managers may establish size and amenity requirements, and state them in the tender documents. Where service managers choose not to set their own size requirements, the provincial size requirements shown in the following chart will be used.

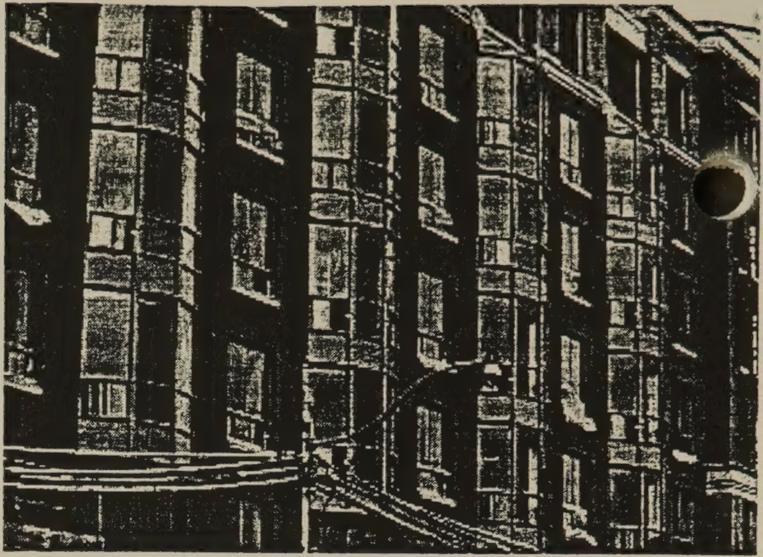
Housing which is not eligible for Community Rental Housing funding includes nursing and retirement homes (although seniors' buildings will be eligible); repairs to existing private and social housing rental buildings; shelters and crisis care facilities; and projects with fewer than three units.

Who is eligible to rent these units?

The affordable units will be rented to households that have incomes below a maximum income limit. This limit will be established by local councils.

As well, where rent supplement programs are offered, the ministry will encourage municipalities to make best efforts to direct funding to twenty-five per cent of the new units. These units would have rents that are "geared-to-income" – about thirty per cent of an eligible household's income.

Unit Type	**Bachelor**	**1 Bedroom**	**2 Bedroom**	**3 Bedroom**	**4 Bedroom**
Apartment	41.8 m^2	60.4 m^2	79.0 m^2	92.9 m^2	111.5 m^2
Townhouse (rowhouses)	N/A	65.0 m^2	83.6 m^2	102.2 m^2	120.8 m^2



What is an affordable rent?

Canada Mortgage and Housing Corporation (CMHC) has set the upper limit for rents for the purpose of this program at the average market rent for the community or area. Average rents for apartments of various sizes (bachelor, one-bedroom, two-bedroom, three+ bedroom) and town or row houses are available for most locations in the province.

CMHC updates these rents annually. They are posted on the ministry's web site for the current year at www.mah.gov.on.ca.

When the units are first occupied the rent charged will be no more than the current average for units of that size. Service managers may have rent targets that are lower than the CMHC average, and in this case the rents on occupancy would have to be at these targets.

Rents may be increased by no more than the annual guideline increase under the *Tenant Protection Act* (TPA). The restriction on rent increases applies for a minimum period of affordability, with one exception. An allowance for capital expenditure increases is permitted after ten years.

The minimum period of affordability set by the federal government is ten years. The province has increased this minimum requirement to fifteen years and has added a required phase-out period. Service managers will have an option to extend the period of affordability to twenty years, at the discretion of their councils.

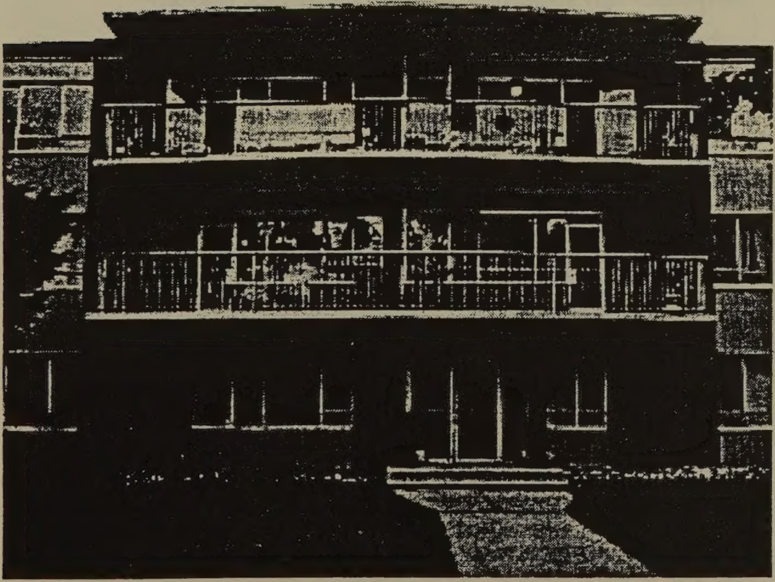
At the end of the fifteen or twenty-year period of affordability, there will be a phase-out period of five years during which current tenants will be protected and vacant units may be rented at market levels.

Building rental housing

As a private sector builder ...

It is important that all levels of government work together to remove barriers that increase capital costs for rental buildings and the rents that tenants must pay. In the long-term, governments must work together to create a positive environment for the rental industry through tax and business climate changes

The Community Rental Housing funding provides an opportunity for private companies to plan, build, manage, own and invest in new rental housing projects. Funding will be available to the private sector provided companies invest their own equity in the project. Ten percent of a project's lending value for the first mortgage will be the minimum private equity investment required.



Private developers are encouraged to work with non-profit, service club, religious or charitable organizations through partnership arrangements such as head-leases. To provide an incentive for these arrangements, the minimum private equity required in these ventures will be four per cent.

Rental units in buildings registered as condominiums are eligible for the program provided they meet all program requirements. For example, there must be at least three units in a project. Units must be newly constructed or converted from a non-residential use. They have to be rented and affordable for at least fifteen years with a phase-out for five years. Twenty-five per cent of Community Rental Housing funding is available for an area's condominium-registered projects.

As a charitable or non-profit organization...

Charitable and non-profit sectors have an important role to play in providing affordable housing in Ontario.

Private non-profit housing, including co-operative housing, service clubs, religious and charitable organizations are encouraged to make submissions for Community Rental Housing funding. These proponents will not be required to have owner's equity in their projects to be eligible for funding. Projects proposed by non-profit or charitable organizations are still expected to meet all other program requirements and to compete for the amount of funding requested.

Charitable and non-profit organizations can make contributions to projects, including contributions of land, equity or cash from fundraising. Charitable and non-profit organizations will be able to select eligible tenants for their affordable units. Organizations that have made significant contributions to projects may have their own reasonable tenanting objectives and the service manager's requirements will allow this.

Non-profit housing corporations, that currently own and manage social housing projects, using their land or equity as project contributions, will need to ensure that the necessary consents from the ministry and from the local service manager can be in place by the appropriate time.

Service managers will be encouraged to have plans to target twenty per cent of the program funding to private non-profit housing projects such as those sponsored by a legion branch. A maximum of twenty-five per cent of funding will be available for non-profit housing corporations controlled by a municipality. Projects involving a municipal non-profit corporation and a private sector company in a partnership arrangement for a head-lease or long-term management contract will not be subject to this maximum.

How is a "head-lease" used?

A head-lease is a primary lease between the landlord, who possesses an interest in the property, and the tenant. The landlord grants entire or partial possession and use of the property to the tenant, in return for rent or other consideration.

Private non-profit housing, including co-operative, service club, religious and charitable organizations are encouraged to enter into a head-lease as a tenant and sub-lease units through partnership arrangements with private sector developers. The lease could be for all or part of the building. The individual affordable units that are leased would be rented to tenants, according to the organization's tenanting plan, and the private sector owner would otherwise manage the building.

At a minimum, the head-lease must be in place for fifteen years and include a five-year phase-out period, during which the rents are controlled.

For example, the local branch of the Royal Canadian Legion could partner with a local private sector building owner that develops a hundred unit rental project. They would enter into a head-lease for twenty units for instance. The Legion would contribute land or cash or make other contributions. Community Rental Housing funding would help make rents affordable for the twenty units.

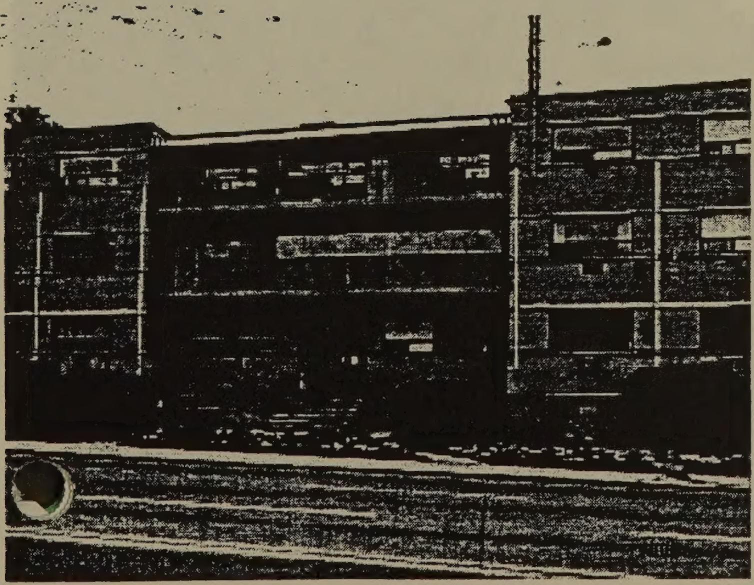
The head-lease would ensure that the Legion could meet their reasonable tenant selection objectives and place veterans or other tenants into the affordable units. Under the lease, the Legion would select the tenants residing in the twenty affordable rental units. These twenty units would have target rents for at least the minimum period of affordability, which is fifteen years plus the phase-out period.

Service manager participation

The Community Rental Housing funding presents an opportunity for partnership among three levels of government to increase the supply of affordable rental housing.

Where the program is offered there will be a fair, open and competitive process for tendering, resulting in projects selected by service managers and approved by their local councils. There will be program information available showing the local requirements for the program and a locally-managed process to answer questions from proponents.

Councils will set affordable rent targets and maximum income limits for households moving into the affordable units. Councils may establish local housing priorities and may have their own requirements for the size of units, type of housing (for example, seniors or family housing), the location of projects (for example, near schools or transit) and other project standards (for example, landscaping or norms for a project's streetscape).



Councils that offer Community Rental Housing funding will have property taxes for rental buildings receiving program funding set at or below the single-family rate.

Councils will ensure that Community Rental Housing funding is used in accordance with federal and provincial requirements. The federal component of the funding will be matched by contributions from other sources, and program requirements or funding limits may be imposed by service managers to achieve this. A worksheet on page 20 provides a guide for service managers in calculating matching contributions from other sources, and the federal component.

Many councils have already adopted affordable housing strategies to respond to community needs for a full range of housing and are offering their own programs for affordable housing. Grants, loans, land at a reduced cost and waived development charges have been provided to developers of affordable housing to reduce costs.

Where tender calls are issued, the ministry will have an agreement with a service manager. This agreement will set out the procedures and protocols for the project selection process.

An administration fee will be available to service managers that take on this work. It will help off-set the costs associated with performing the tasks as set out in the agreement, including costs associated with soliciting, receiving, evaluating and approving of projects. This fee will be a percentage of the total Community Rental Housing funding approved for local projects.

Service manager contribution

Multi-residential property tax reduction

In order to encourage the construction of affordable housing, the Ontario government has enabled municipalities to have lower property tax rates for new multi-residential rental buildings. Several municipalities have already lowered rates under this new regulation.

In many municipalities, the property tax for multi-residential rental buildings has been significantly higher than the property tax rate for condominiums and other single-family dwellings. As property tax rates are an important factor in determining rents that must be charged by a building owner, lower tax rates are a strong incentive for builders of multi-residential rental buildings.

Therefore, wherever the Community Rental Housing funding is offered, property taxes for the new multi-residential rental buildings receiving funding will be set using the single-family rate or lower.

Councils may adopt an optional 35-year new multi-residential property tax class. Alternatively, Councils may provide property tax relief on specific properties through a municipal housing facilities by-law. Co-operative housing projects, condominium registered-projects and residential projects with fewer than seven units have property tax rates that already meet program requirements.

Property tax savings resulting from a rate reduction, from the multi-residential rate effective as of January 2001 to the single-family rate, count as a municipal contribution to the program. The value, as established by CMHC, is the present value of the ten-year stream of annual property tax savings, using a discount rate of six per cent. There is a chart on page 21 showing amounts of annual property tax savings and the associated present values.

Municipal Act: municipal housing facility by-laws

In May of 2001, the Ontario government passed a regulation under the *Municipal Act* that enables service managers to have municipal housing facility by-laws for affordable housing, and expands municipal authority to provide incentives to private sector developers. Upper and lower tier municipal governments may offer incentives. Municipal housing facility by-laws have been passed in several municipalities in Ontario, and are being considered in other areas.

The municipal housing facility by-law will define "affordable" for the purposes of the Community Rental Housing funding. The affordable rents for various sizes of units (bachelor, one and two bedroom, and larger units for both apartment buildings and town or row houses) will be at or below the CMHC average rent.

In addition, a municipal housing facility by-law may lower capital costs for rental buildings by fully or partially waiving municipal (but not school board) development charges.
Development charges are normally imposed when land is developed to pay for increased costs

for municipal services. Under a municipal housing facility by-law, these charges may be reduced for both non-profit and private sector developers. In many locations, this would result in savings of several thousand dollars per unit. Waived or reduced development charges must be applied equally to all projects receiving Community Rental Housing funding, and count as a municipal contribution to projects.

The other incentives for affordable housing under a municipal housing facility by-law include providing grants and/or loans, and fully exempting specific properties from property tax.

Councils may choose whether or not to offer these contributions to projects receiving Community Rental Housing funding.

It is expected that any incentives offered under the municipal housing facility by-law will involve negotiations between upper and lower tier municipalities, as appropriate. Councils from lower tier municipalities that are not service managers may choose to offer incentives in addition to the property tax reductions.

Information on municipal housing facility by-laws is available on the ministry's website at www.mah.gov.on.ca and in each location where a municipal housing facility by-law for affordable housing has been passed by council.

Local housing priorities and programs

The need for affordable housing across Ontario differs from municipality to municipality.

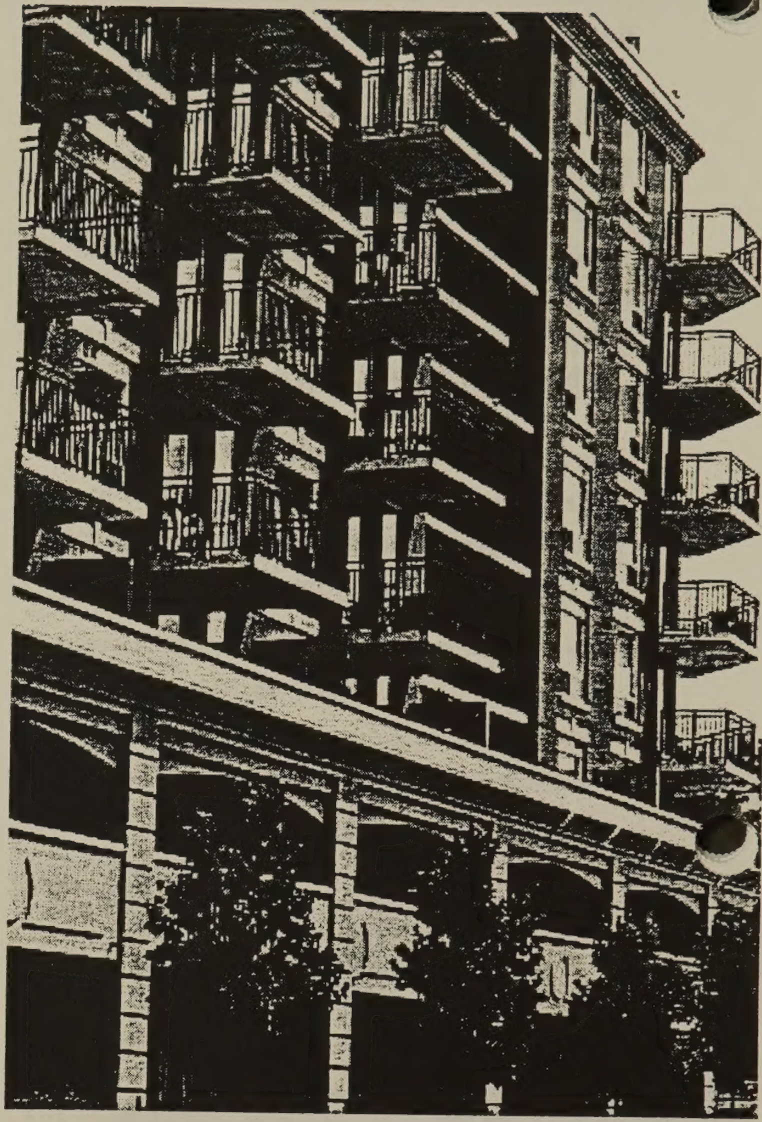
In addition to setting rent targets, household income limits and unit size and amenity requirements, councils may have program requirements for Community Rental Housing, including but not limited to:

- *use of rent supplement programs;*
- *extended affordability period (optional twenty years, plus phase-out);*
- *type of housing (family, seniors etc);*
- *project location (by neighbourhood, proximity to transit or schools); and,*
- *project standards (landscaping, architectural and urban design, community norms for streetscape, minimum number of units if more than three).*

There are several councils that have approved housing programs and policies to provide funding assistance and other support to affordable housing projects. There have been several affordable housing projects completed under these programs, and more are under development.

These existing programs may have project selection processes and criteria, target rent and tenanting requirements, and an established range of assistance. The range of assistance already offered by some service managers includes grants, loans, waiving or reducing many municipal fees and charges, and offering surplus sites for housing development. In some areas there are housing policies on the use of municipal surplus land for affordable housing projects.

Councils may decide to integrate all or part of their existing affordable housing programs with the requirements of the Community Rental Housing program, or to maintain a separate program funding and approvals process for municipal contributions under these programs.



Federal contribution

The Government of Canada, through Canada Mortgage and Housing Corporation, will provide funding of $244.71 million over five years to help increase the supply of affordable housing in Ontario. These funds will be matched by contributions from the Province of Ontario, municipalities and other private, non-profit and charitable partners.

Overall, the Government of Canada's average funding will not exceed $25,000 per unit, across the province. However, the actual funding per unit may vary.

Provinces and territories may set any period of affordability, greater than the ten years required by the federal government. In Ontario, the required period of affordability will be fifteen years plus a five-year phase-out.

For more information: www.cmhc.ca.

Provincial contribution

The Affordable Housing Program agreement states that other contributions are required to "match" the federal funding. New and existing programs are eligible to qualify as "matching".

The province has a total of $20 million in new funding to provide an off set for the Provincial Sales Tax on building materials for affordable housing. The new funding will be offered over the period of the Affordable Housing Program and will provide $2,000 per unit. The province's contribution entitles proponents to an equal amount of federal funding, so every project is guaranteed $4,000 per unit.

The province's actual funding for new supportive, affordable housing is significant. New housing programs for people with special needs have been announced. During the time that the Affordable Housing Program will be offered, the province has committed funding of $158 million for projects selected under these other programs. Furthermore, the province helps new home purchasers, many of whom are freeing up rental when they move, with a rebate for the land transfer tax, at an estimated total cost of $130 million for the five-year period.

Tender calls

Funding for tender calls

The ministry has reserved funding for the first tender calls in twelve high need areas, and the funding levels will be available early in 2003.

Other service managers may request that Community Rental Housing funding be made available for their area. Their written submissions will document the local housing need and the council's interest in providing local contributions to projects. The ministry will reply, on a first-come, first-served basis, and indicate what funding will be reserved for that area.

Community Rental Housing may be offered in northern service manager areas, but will be limited to rental projects located in urban centres with populations of 10,000 or more. For northern service managers, there is a separate Remote funding component of the Affordable Housing Program. It is described more fully on page 19.

The actual amount of funding may be less depending on the number of projects selected.

Issuing the tender calls

Service managers will be responsible for a fair, open and competitive tender call process. Tender calls will be advertised broadly using methods suitable for the area. Full disclosure of all information and results will be the responsibility of the service manager.

Project requirements will be described for the service manager's area. Where necessary, information meetings may be held to explain the competitive process, although information must be equally available to all prospective bidders.

Every service manager's tender call will be separate and distinct from all other tender calls.

Responding to tender calls: two envelopes

Proponents will be asked to respond to local tender calls with sealed submissions delivered to designated locations, on time. Submissions will contain project information and a bid for funding in two separate envelopes. Submissions may contain both envelopes, or the second envelope may be submitted after the first.

The information about projects required in the first envelope is detailed in the chart on page 15. There is standard information required for all submissions. This must be provided. As well, the province has several mandatory project criteria. Submissions will be assessed on the provincial criteria and any criteria added by a service manager.

The second envelope will contain the proponent's bid for an amount of funding.

Selecting projects from the tender calls

Service managers will decide how project selection will proceed. Information on the process and decision-making for selecting projects will be available in the tender call documents. A provincial representative will assist with the local project selection process. Representatives of the development industry, community and charitable organizations may be part of the project selection process as well.

Submissions will be evaluated first on the basis of the information provided in envelope one. A "pass" on all the standard information and all mandatory criteria will be required for projects to be considered further. Service managers will establish the method by which a "pass" will be determined.

Submissions that qualify on the basis of envelope one will move to the next stage of the tender call process where the competitive bid will be considered. The competitive bids will be selected from among the qualifying submissions for that specific service manager's area.

Proponents bidding for lower amounts of funding per affordable unit will have a better chance of being selected. Funding will be awarded, starting from projects with the lowest per unit bid, up to the total amount of Community Rental Housing funding available for each area as described in the tender call.

Disqualified or unsuccessful submissions are eligible for future tender calls as they are issued.

All submissions must contain the following information

Company information

- *Company contact*
- *Master Business License or profile report*
- *Company's most recent audited financial statement*

Proponent type

☐ *Private sector*

☐ *Municipal non-profit*

☐ *Private non-profit or co-operative*

☐ *Charitable corporation*
(registration number ________)

☐ *Partnership*

Condominium registration

☐ *Yes*

☐ *No*

Construction type

☐ *New construction*

☐ *Conversion from non-residential*

☐ *Conversion from vacant rental*

Signed declarations indicating compliance with provincial tax statutes, labour laws etc.

Three references from clients for Canadian projects

Envelope One: Pass/Fail Minimum criteria

Minimum provincial criteria

- *Company has residential construction and management experience and a record of acceptable performance*
- *Land is or will be owned or leased*
- *Current zoning permits use or plans for rezoning are stated*
- *Development schedule shows building permit within 18 months*
- *Project meets requirements for unit size, target rent levels and unit count (must be three or more)*
- *Tenanting plan is stated and shows that initial income screening for new tenants will meet service manager requirements*
- *Detailed, preliminary financial plan and indication that owner equity requirements are met*

Service manager criteria for submissions may include:

- *Use of rent supplement programs*
- *Extended affordability period (optional twenty years, plus phase-out)*
- *Type of housing (family, seniors etc)*
- *Project location (by neighbourhood, proximity to transit or schools)*
- *Project standards (landscaping, architectural and urban design, community norms for streetscape, minimum number of units if more than three, etc.)*
- *Others to be determined by service managers*

Envelope Two: Competitive bid for funding

Proposals which pass all criteria in Envelope One will move to the Envelope Two stage where the competitive bid is considered.

Per unit bid for funding $________________

The per unit bid for funding will be weighted so that projects of different sizes and unit mixes can compete fairly.

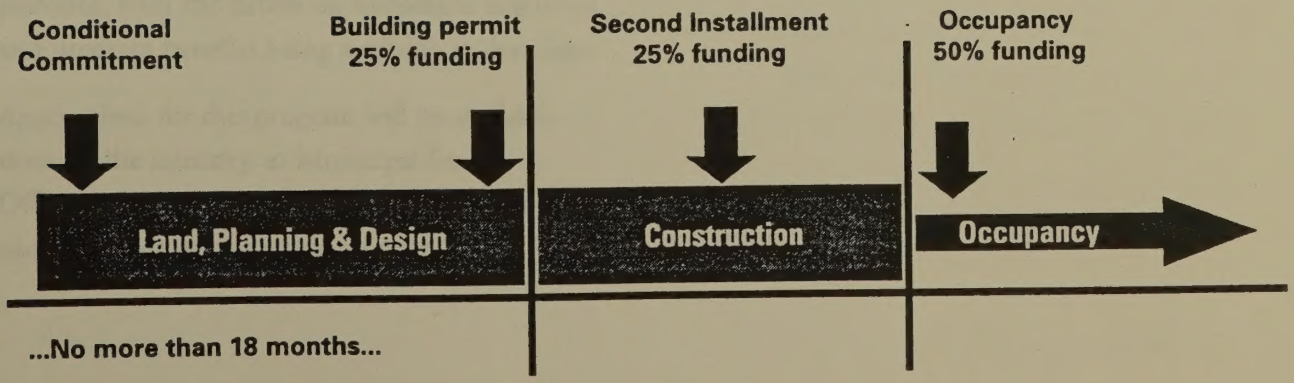
Funding for selected projects

Projects selected by the service manager and approved by local councils, will receive a letter stating that funding has been committed to the project. The amount of combined federal and provincial funding, as well as the conditions of funding will be specified in this letter. From this point, proponents will have eighteen months to obtain a building permit and meet other conditions as set out in the letter of commitment.

There will be a Contribution Agreement with the building owner once the following are obtained: a building permit; mortgage financing; and, final agreements for contributions to the project from other sources. Contribution Agreements and/or related documents will be registered on the title to the land, and will set out the terms and conditions of funding. All funding will be repayable, with interest, if the terms of the agreement are breached.

When the Contribution Agreement is signed, twenty-five percent of the total Community Rental Housing funding for the project will be advanced. A second installment of twenty-five per cent will be available at a designated point during construction. After occupancy is permitted, the final installment of fifty per cent of the Community Rental Housing funding for the project will be advanced to the building owner.

The stages of project funding are set out in the chart.



Community Rental Housing
Stages of Funding

Conditional Commitment
Building permit 25% funding
Second Installment 25% funding
Occupancy 50% funding
Land, Planning & Design
Construction
Occupancy
...No more than 18 months...

Milestones – First tender calls

- Ministry will announce the amount of program funding reserved in twelve service manager areas and release the terms of reference for the tender call process by the end of 2002
- Funding allocations for other areas of the province will be reserved on a first-come, first-served basis after service managers' submissions are received by the ministry
- Councils will approve participation in the program, municipal contributions to be offered and by-laws as appropriate
- Tender calls will be issued beginning this winter, and project submissions received, reviewed and projects selected
- Councils will approve the first projects and forward their list of approved projects to the ministry by early 2003
- Projects will receive conditional commitments of funding
- Building permit deadline will be eighteen months from date of the conditional commitment
- Contribution Agreements for projects will be signed when building permits are issued, and twenty-five per cent of funding will be advanced
- A second installment of twenty-five per cent will be available at a designated point during construction
- Project completions are expected one to two years after building permits are issued, depending on the type of project
- Final funding will be advanced when buildings are ready for occupancy

Funding for home owners

The Affordable Housing Program has a small component of funding to help tenants purchase a new home. About $7 million in provincial tax concessions and federal funding will be available to new homeowners.

To be eligible for program funding, these new homes must be in neighbourhood improvement areas designated by a service manager, local municipality or the province. As well, the purchase price of the home must be within the affordability limits as defined locally.

There will be a limit of $8,000 for funding to any applicant. This would be made up of a contribution of up to $4,000 in federal funding, $2,000 for Provincial Sales Tax offset, and up to $2,000 per unit for homeowners eligible for the provincial Land Transfer Tax Rebate. Applications will be received for two years beginning in 2003.

First-Come First-Served Funding Awards

The program will be advertised across the province, with the details on household eligibility and program benefits being available at that time.

Applications for this program will be available through the ministry, at Municipal Service Offices, and may be distributed to homebuilders and real estate agents as appropriate.

Applications will be received by the ministry and must include:

Appropriate documentation to confirm:

- *price of the home*
- *that the home is newly built*
- *that the applicant is moving from a rental unit into the home*

Documentation from municipality that the home is built in a designated neighbourhood improvement area

Copy of Land Transfer Tax Rebate documentation (if applicable)

Applicant's certification that the home is their principal residence

Funding will be available once the land title is transferred. Homeowners will have an agreement with the province that will be registered on title. This will be a forgivable loan and will be repayable if the home is sold.

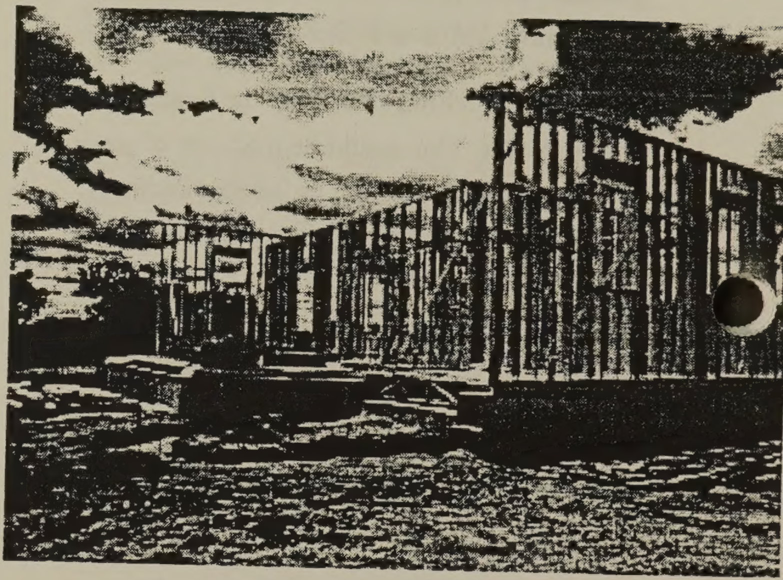
Funding for homes in remote areas

The Affordable Housing Program has a distinct program component available for affordable housing projects that are in areas north of the French River and Nipissing District.

Remote funding is available across this northern geographic area, except in urban centres with populations of more than 10,000 and on Indian Reserves.

The funding will be available starting in 2003.

Some funding will be used to rehabilitate, renovate or replace substandard ownership housing, or add-a-room to overcrowded housing. A smaller component may be available to create new rental, convert non-rental to rental or rehabilitate rental units, if the need is justified.



New home purchases by tenants currently living in a remote area may qualify for a forgivable loan of up to a maximum of $8,000. As well, a two-year program to renovate and rehabilitate low-income housing owned by native people living in remote, off-reserve communities will be offered.

District Social Service Administrative Boards and the ministry's northern Municipal Services Offices will be involved in delivering funding.

Service manager areas where Remote funding may be offered are listed on page 22.

Matching funding worksheet

Service managers will report on the value of all contributions from other sources, and ensure that this value matches or exceeds the actual amount of federal funding for the selected projects in their area.

Worksheet for matching funding

This worksheet provides an example of the calculations a municipality will have to complete.

Total for all selected projects

1. Municipal contributions

Present value of property tax savings $____________

Development charges (waiver or reduction) $____________

Grants (to reduce capital costs) $____________

Low interest loans (value below market) $____________

Land (value of lease below market, or assessed land value if title is transferred) $____________

Other ____________________ $____________

2. Contributions from other sources (e.g. charities, non-profit equity)

____________________ $____________

____________________ $____________

3. Provincial Sales Tax Offset

$2,000 X number of units $____________

Total $____________

Calculating municipal property tax contributions

Property tax savings for building owners receiving Community Rental Housing funding count as a municipal contribution if the actual property taxes, at the single family rate, are lower than the property taxes that would have been chargeable in January 2001.

As well, if any project receives other property tax relief such as an exemption, these savings count as a municipal contribution.

The following chart shows amounts of annual property tax savings and the associated present values. The last two columns in the chart show the value of matching funding for a range of property tax savings for two buildings.

Per Unit			
Annual Tax Savings	**10 Year Present Values @ 6% p.a.**	**Sample 20 unit building**	**Sample 100 unit building**
$300	$2,341	$46,820	$234,100
$900	$7,022	$140,440	$702,200
$1,500	$11,703	$234,060	$1,170,300
$2,100	$16,384	$327,680	$1,638,400

For example, a 20-unit building that has a property tax reduction valued at $900 per unit per year would have a municipal contribution valued at $140,440.

The present value for the property tax savings will be determined for every project by the service manager. The total present value for all projects receiving tax concessions will be calculated by the service manager.

Sample project

Annual property tax at the multi-res. rate as at Jan.1/01 $____________

Annual property tax for the project (actual) $____________

Difference $____________

Present value of the difference over 10 years[2]
(If difference is less than zero, there is no qualified saving.) $____________

---

[2] Present value of an Annuity = Savings x $[1 - 1/(1+k)^n]/ k$, where k = interest rate (6%) and n = number of years (10). Calculations should assume that payments are made at the beginning of the period.

Community Rental Housing (Including Home Ownership Funding) List of Eligible Service Managers

Service managers with high needs

City of Toronto
Regional Municipality of Durham
Regional Municipality of Halton
Regional Municipality of Peel
Regional Municipality of York
City of Hamilton
City of Kingston
City of London
City of Ottawa
County of Simcoe
Regional Municipality of Waterloo
County of Wellington

Other service managers

City of Brantford
County of Bruce
Municipality of Chatham-Kent
City of Cornwall
County of Dufferin
County of Grey
County of Hastings
County of Huron
City of Kawartha Lakes
County of Lambton
County of Lanark
United Counties of Leeds and Grenville
County of Lennox and Addington
District Municipality of Muskoka
Regional Municipality of Niagara
Norfolk County
County of Northumberland
County of Oxford
City of Stratford
City of Greater Sudbury
City of Peterborough
United Counties of Prescott and Russell
County of Renfrew
City of St. Thomas
City of Windsor
Nipissing District Social Services Administration Board
Parry Sound District Social Services Administration Board
Sault Ste. Marie District Social Services Administration Board
Remote area DSSABs but only for rental projects in urban centres (10,000 pop +)

Remote Program

List of eligible District Social Services Administrative Boards

Algoma District Services Administration Board
Cochrane District Social Services Administration Board
Kenora District Social Services Administration Board
Manitoulin-Sudbury District Social Services Administration Board
Rainy River District Social Services Administration Board
Thunder Bay District Social Services Administration Board
Timiskaming District Social Services Administration Board

Ministry Contacts

Municipal Services Offices

Central Municipal Services Office

serving Durham, York Peel, Halton, Simcoe, Muskoka, Dufferin, Niagara, Hamilton-Wentworth and Toronto
416-585-6226

Eastern Municipal Services Office

serving Frontenac, Haliburton, Hastings Lanark, Leeds and Grenville, Lennox & Addington, Northumberland, Ottawa, Prescott-Russell, Prince Edward, Stormont, Dundas/Glengarry, Kawartha Lake, Renfrew and Peterborough
613-548-4304

Northeastern Municipal Services Office

serving Cochrane, Algoma, Manitoulin, Sudbury, Parry Sound, Nipissing and Timiskaming
705-564-0120

Northwestern Municipal Services Office

serving Thunder Bay, Kenora and Rainy River
807-475-1651

Southwestern Municipal Services Office

serving Elgin, Essex, Grey, Haldimand, Norfolk, Huron, Chatham-Kent, Lambton, Middlesex, Oxford and Perth
519-873-4020

Ministry of Municipal Affairs and Housing

Market Housing Branch
416-585-6524

AFFECTS
WARD 11

CITY OF HAMILTON

12.2

PLANNING AND DEVELOPMENT DEPARTMENT
Development Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date: **File:**	January 31, 2003 GL/B-02:205	**Prepared by:**	Simon M. Deiaco (905) 546-2634 Stan Holiday (905) 546-4280

SUBJECT: **Appeal of the City of Hamilton Committee of Adjustment (Rural) Decision to Approve Severance Application GL/B-02:205 (Wayne and Hilda Bartels), 3160 Kirk Road (former Township of Glanbrook), City of Hamilton (PD03032) (Ward 11)**

RECOMMENDATION:

a) That the City of Hamilton confirm and proceed with the appeal against the decision of the Committee of Adjustment (Rural) to approve application GL/B-02:205 (Wayne and Hilda Bartels), to convey a parcel of land measuring 52.73m (173') x 76.2m (250') for single family residential purposes, and to retain a parcel of land measuring 66.14m (217') x 76.2m (250'), containing an existing single family dwelling for residential purposes, at the lands known municipally as 3160 Kirk Road (former Township of Glanbrook), marked as Appendix "A" to Report PD03032; and,

b) That the appropriate staff (e.g. Legal and Planning and Development) be authorized and directed to attend the Ontario Municipal Board (OMB) Hearing in opposition to the Committee of Adjustment (Rural) decision to approve Application No. GL/B-02:205 (Wayne and Hilda Bartels), respecting the lands known municipally as 3160 Kirk Road (former Township of Glanbrook), marked as Appendix "A" to Report PD03032.

Lee Ann Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

Application GL/B-02:205 was considered before the City of Hamilton Committee of Adjustment (Rural) on December 4, 2002. Comments to the Committee from the Development Planning Section did not support the application, as it did not conform to the applicable policies for an infill severance as set out in the Provincial Policy Statement, Hamilton-Wentworth Official Plan and Township of Glanbrook Official Plan. The criteria that exists for residential infill lots requires:

- the lands to be situated between two (2) existing non-farm residences;
- the existing non-farm residences are fronting on the same side of the road; and,
- the existing non-farm residences are not more than sixty (60) metres (200 feet) apart.

The distance between the non-farm dwellings is 221.5 feet (67.5 metres), which exceeds the maximum distance.

The Committee of Adjustment (Rural) approved the application on December 11, 2002, subject to conditions. The Planning and Development Department filed an appeal, on behalf of the City, with the Secretary Treasurer of the Committee of Adjustment, on December 20, 2002 (Appendix “C” to Report PD03032), as the appeal period could not be met prior to consultation with Council. Currently staff is seeking direction from Council to proceed with the appeal against the decision of the Committee of Adjustment, and attend a future OMB Hearing on behalf of the City of Hamilton.

BACKGROUND:

Severance Policies

The subject property is located at 3160 Kirk Road (former Township of Glanbrook), City of Hamilton. The application proposes the conveyance of a parcel of land measuring 52.73m (173’) x 76.2m (250’) for single family residential purposes, and to retain a parcel of land measuring 66.14m (217’) x 76.2m (250’), containing an existing single family dwelling, for residential purposes (Appendix “A”). Currently, the proposed lot is located between two (2) existing non-farm residences. The severance application was evaluated by Development Planning staff under the “infilling” severance policies that are outlined in the Provincial Policy Statement, Hamilton-Wentworth Official Plan and Glanbrook Official Plan.

Policy 2.1.2(c) of the Provincial Policy Statement outlines that new lots for residential purposes may be permitted for residential infilling. Residential infilling is defined as:

"...the creation of a residential lot between two (2) existing non-farm residences, which are on the separated lots of a similar size and which are situated on the same side of a road and are not more than 100 metres apart."

The implementation/interpretation section of the Provincial Policy Statement allows for a planning authority to go beyond this minimum standard established in developing Official Plan Policies and when making decisions on planning matters. Policy 8.1.1 of the Hamilton-Wentworth Official Plan states that Area Municipal Policies will provide locational criteria for those types of consents permitted in the Rural area. The Hamilton-Wentworth Official Plan criteria that exists for residential infill lots requires:

- the lands to be situated between two (2) existing non-farm residences;
- the existing non-farm residences are fronting on the same side of the road; and,
- the existing non-farm residences are not more than sixty (60) metres (200 feet) apart.

This is consistent with Policy D.2.2.11 of the Glanbrook Official Plan, which states that a consent to sever a property for one (1) residential dwelling on an infilling basis may be considered provided:

(a) The land fronts onto a public roadway;

(b) The land is situated between two (2) residential dwellings, fronting on the same side of the road, which are not more than sixty (60) metres (approximately 200 feet) apart, provided that such dwellings are not located on, or form part of, an existing farm operation;

(c) The land is situated within a linear development of three (3) or more existing non-farm residential dwellings grouped on the same side of a public roadway; and,

(d) The application conforms with the other policies of this Plan.

Based on staff's review of the application, it is clear that the distance between the non-farm dwellings exceeds the maximum distance outlined in the aforementioned planning documents. The distance noted in the application (Appendix "B") is 221.5 feet (67.5 metres).

In Ontario, the Planning Act mandates that severance applications conform to applicable official plan policies. Therefore, as application GL/B-02:205 conflicts with the applicable policies, the Development Planning section did not support the proposal.

Previous Ontario Municipal Board Decisions

The OMB has been consistent in its interpretation of the applicable Official Plan Policies regarding infill severances. The maximum separation distance is very specific and the OMB has regularly recognized this fact.

In 2001, an OMB Hearing (Gorner vs. the City of Hamilton, April 6, 2001, Board Order No. 0505) upheld the Committee of Adjustment's decision to deny an infill severance, in which the distance between the dwellings was ninety (90) metres (295 feet). The Board stated that:

> "The matter of distance separation is a predominate policy that must be met before consent to convey is given (B.W. Coughlin, Member, 2001)."

In 1993, (Hils vs. Regional Municipality of Hamilton-Wentworth, Board Order Date, April 14, 1993), the Committee of Adjustment approved an infill severance, subject to the condition that the applicant submit survey evidence of the distance between the houses on either side of the proposed lot. Should the distance exceed two hundred (200) feet (60 metres), the application was deemed to be refused. The distance between the two (2) non-farm dwellings was determined to be two hundred and sixty-two (262) feet (79.85 metres), which exceeded the distance requirement. Notwithstanding this fact, the appellant put forward the argument that the "general intent" of the planning policies were upheld. The OMB member disagreed with the appellant's arguments, stating that:

> "The condition imposed is required to maintain the intent of the Official Plan of both the Region and the Town (C.M. Millar, Member, 1993)."

In 1985, (Bonzio vs. Regional Municipality of Hamilton-Wentworth, Board Order Date, October 1, 1985) the Committee of Adjustment dismissed an application for an infill severance (B-127-85) that was in excess of the two hundred (200) feet (60 metre) requirement. The distance between the dwellings in this case was two hundred and seventy (270) feet (82.29 metres), whereas the maximum was two hundred (200) feet (60 metres). The appellant argued that the application complied with the intent of the policy and that the difference in distance between the two (2) existing residences and the maximum distance stipulated in the Official Plan was immaterial. The OMB did not accept this interpretation.

> "Taken as an isolated case, the proposed severance would appear to be logical and acceptable. The Board, however, agrees with the position taken by the Regional Municipality, in that the accumulative effect of infilling development beyond a certain limit could have an adverse impact on the agricultural land use. The policy is very specific and the Board accepts the testimony of the Mr. Wilson (Senior Planner for Hamilton-Wentworth) that it is based on important planning considerations and appropriate studies within the planning area (K. D. Bindhardt, Member, 1985)."

ANALYSIS OF ALTERNATIVES:

Should staff not be directed to attend the upcoming Ontario Municipal Board Hearing, the appeal would be withdrawn and the Committee of Adjustment (Rural) December 4, 2002 decision to approve the application would stand.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial – It is estimated that five (5) working days of staff time will be required for one (1) representative from the Planning and Development Department and one (1) from Legal Services for preparation and attendance at the Ontario Municipal Board Hearing. These costs are covered by the respective Departmental Work Programs/Budgets, therefore, no additional funds would be required.

Staffing – One (1) representative from the Planning and Development Department and one (1) from Legal Services would be required for preparation and attendance at the Ontario Municipal Board Hearing.

Legal – No legal implications are expected.

POLICIES AFFECTING PROPOSAL:

- Planning Act, R.S.O. 1990, c. P.13

  Section 51(24)(c) of the Planning Act, states that:

  "In consideration of a draft plan of subdivision, regards shall be had, among other matters, to the health, safety, convenience and welfare of the present and future inhabitants of the municipality and to,

(a) the effect of the development on the proposed subdivision matters of provincial interest, as referred to in Section 2;

(c) whether the proposed subdivision conforms to the Official Plan and adjacent plans of subdivision, if any"

Application GL/B-02:205 has failed to satisfy the applicable tests within the Planning Act due to the fact that the application has not shown proper regards for Policy 2.1.2 of the Provincial Policy Statement, and the application does not conform to the applicable Official Plan Policies.

- Provincial Policy Statement

The application is in conflict with Policy 2.1.2(c) of the Provincial Policy Statement. Policy 2.1.2(c) of the Provincial Policy Statement outlines that new lots for residential purposes may be permitted for residential infilling. Residential infilling is defined as:

"...the creation of a residential lot between two (2) existing non-farm residences, which are on the separated lots of a similar size and which are situated on the same side of a road and are not more than 100 metres apart."

The Implementation/Interpretation Section of the Provincial Policy Statement allows for a planning authority to go beyond the minimum standards established in developing Official Plan Policies and when making decisions on planning matters. Both the Hamilton-Wentworth Official Plan and Glanbrook Official Plan specify that the maximum separation distance between the existing non-farm dwellings is sixty (60) metres (200 feet).

- Hamilton-Wentworth Official Plan

The application is in conflict with Policy 8.1.1 of the Hamilton-Wentworth Official Plan, which states that Area Municipal Policies will provide locational criteria for those types of consents permitted in the Rural area, including infill lots for one (1) residential dwelling, on land that is situated between two (2) existing non-farm residences fronting on the same side of the road, which are not more than sixty (60) metres (200 feet) apart. Whereas the distance between the dwellings in application GL/B-02:205 is 67.5 metres (221.5 feet).

- Township of Glanbrook Official Plan

  The application is in conflict with Policy D.2.2.11 of the Glanbrook Official Plan, which states that a consent to sever a property for one (1) residential dwelling, on an infilling basis, may be considered provided:

  (a) The land fronts onto a public roadway;

  (b) The land is situated between two (2) residential dwellings, fronting on the same side of the road, which are not more than sixty (60) metres (approximately 200 feet) apart, provided that such dwellings are not located on, or form part of, an existing farm operation;

  (c) The land is situated within a linear development of three (3) or more existing non-farm residential dwellings grouped on the same side of a public roadway; and,

  (d) The application conforms with the other policies of this Plan.

  Whereas the distance between the dwellings in application GL/B-02:205 is 67.5 metres (221.5 feet).

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

N/A.

CITY STRATEGIC COMMITMENT:

Within the Overview of Vision 2020 it is stated that:

"People live in a Region made up of compact urban cores surrounded by a Rural landscape that includes productive family farms"

Should the above decision of the Committee of Adjustment (Rural) stand, there is the potential for the creation of additional land use incompatibilities in the Rural area (i.e. residential development and livestock facilities). Regional Planning staff researched this scenario for the previously mentioned 1985 OMB Hearing (Bonzio vs. Regional Municipality of Hamilton). In 1985, Planning staff gave evidence that should the two hundred (200) feet (60 metre) distance requirement be ignored and increased to two hundred and seventy (270) feet (82.29 metres), there were at least forty-five (45) situations in which infill severances could occur. There was a concern, at that time, which is relevant today, with regards to the accumulative effect of such non-agricultural development in Rural areas and its general impact on the agricultural land use.

COMMENTS:

Application GL/B-02:205 does not conform to the applicable policies for an infill severance, as set out in the Provincial Policy Statement, Hamilton-Wentworth Official Plan and Township of Glanbrook Official Plan. As noted above, the Ontario Municipal Board has been consistent in its interpretation of the specific infilling policies and has regularly denied applications that exceed the maximum distance requirement (see Background – Previous Ontario Municipal Board Decisions). In the aforementioned OMB Hearings, the degree of non-compliance was not viewed simply as a minor variance to a Zoning By-law regulation, where the intent of the regulation is to be considered. Instead, the OMB appropriately examined the distance between the existing dwellings and determined if it conforms, or is in conflict with, the specific Official Plan policies. Once again, the OMB has recently stated that:

> "The matter of distance separation is a predominate policy that must be met before consent to convey is given (Gorner vs. the City of Hamilton, April 6, 2001, Board Order No. 0505, B. W. Coughlin, Member)."

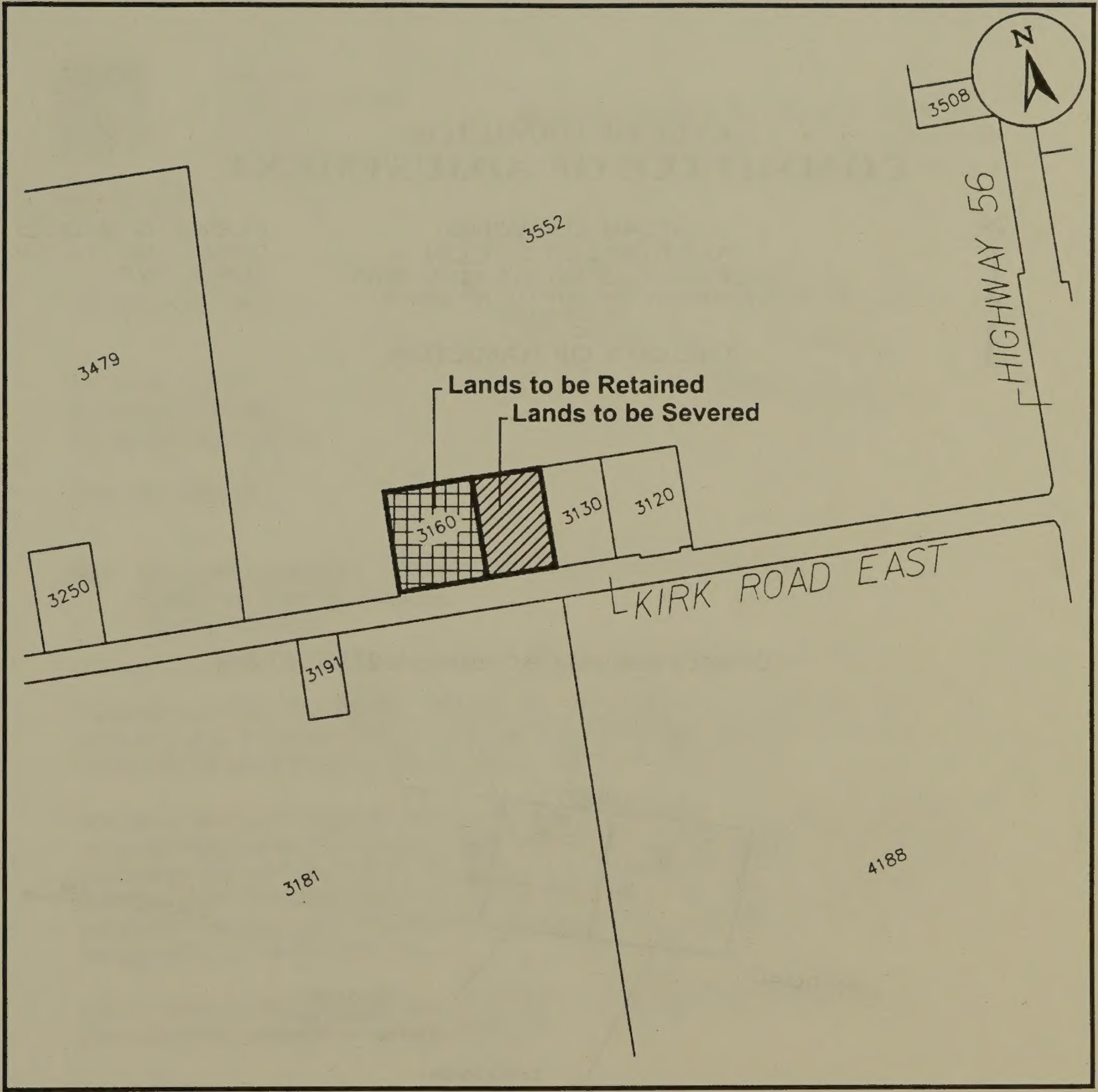
Knowing this, when an application proposes to exceed a specific Official Plan Policy (i.e. distance is greater than sixty (60) metres (200 feet), the only mechanism available to do so would be an amendment to the Official Plan Policy. It is not appropriate to view the exceeded distance as minor and, therefore, in keeping with the intent of the policy. The Policy is that the maximum distance between the existing non-farm dwellings is sixty (60) metres (200 feet).

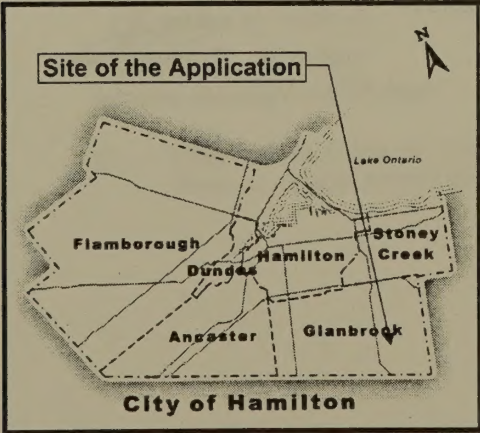
CONCLUSION:

Based on the above, staff recommends that the City of Hamilton proceed with the appeal against the decision of the Committee of Adjustment (Rural) to approve application GL/B-02:205 (Wayne and Hilda Bartels) and attend the Ontario Municipal Board (OMB) Hearing in opposition to the Committee of Adjustment (Rural) decision.

:SMD/SH
Attachs. (3)

APPENDIX “A” – PD03032


N
3508
3552
HIGHWAY 56
3479
Lands to be Retained
Lands to be Severed
3160
3130
3120
3250
KIRK ROAD EAST
3191
3181
4188


Site of the Application
N
Lake Ontario
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook
City of Hamilton

PLANNING AND DEVELOPMENT DEPARTMENT

Committee of Adjustment

Hamilton

Subject Property
3160 Kirk Road

▨ Lands to be Severed

▦ Lands to be Retained

Filename/number
GL/B-02-205

Date
November 25, 2002

Technician:
L.M.M

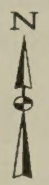
Map Not to Scale

Appendix "A"

APPENDIX “B” – PD03032

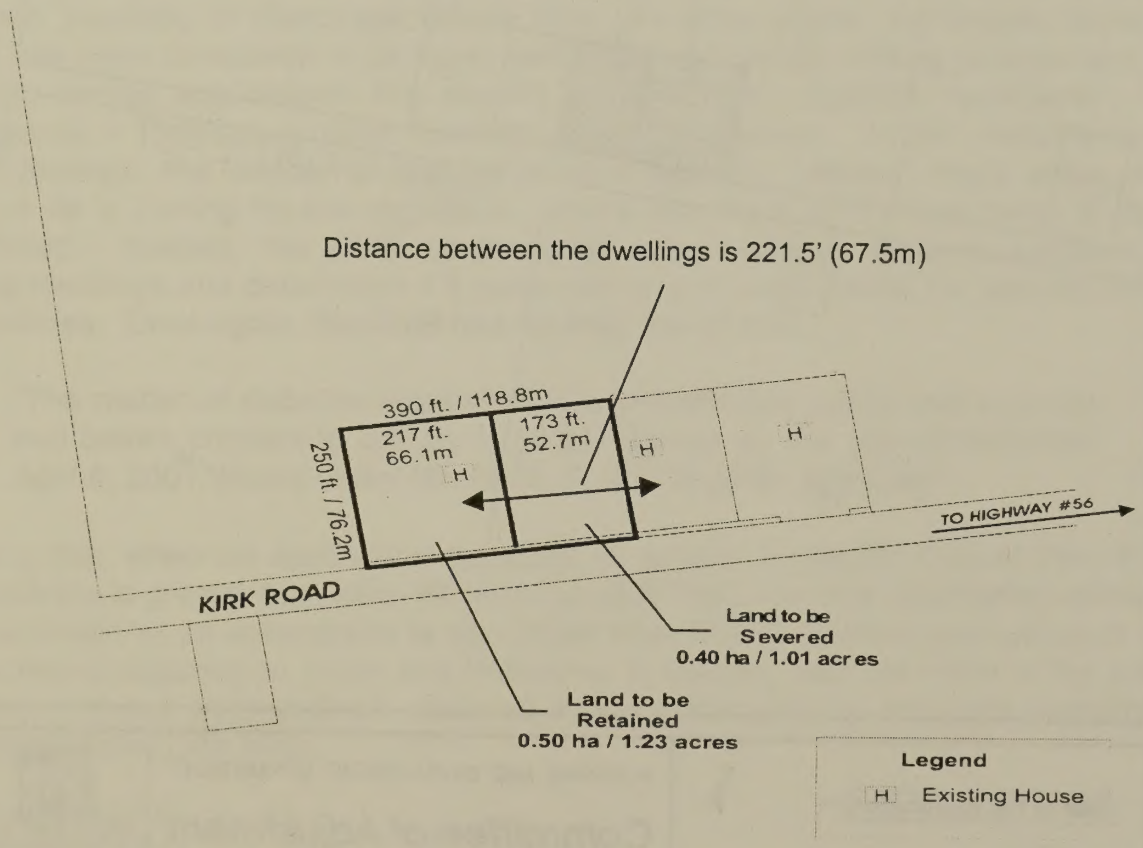
CITY OF HAMILTON

COMMITTEE OF ADJUSTMENT



PLAN SHOWING
PART OF LOT 2, CON. 4
3160 Kirk Road, 901-410-59900-0000
FORMERLY TOWNSHIP OF (BINBROOK)
GLANBROOK
NOW IN
THE CITY OF HAMILTON

FILE No: GL/B-02:205
DATE: Nov. 14, 2002
SCALE: N.T.S.


Distance between the dwellings is 221.5’ (67.5m)
390 ft. / 118.8m
217 ft.
66.1m
173 ft.
52.7m
250 ft. / 76.2m
H
H
H
TO HIGHWAY #56
KIRK ROAD
Land to be
Severed
0.40 ha / 1.01 acres
Land to be
Retained
0.50 ha / 1.23 acres
Legend
H Existing House

APPENDIX “C” – PD03032

Hamilton

Mailing Address:
City Hall, 71 Main Street West
Hamilton, Ontario
Canada L8P 4Y5
www.hamilton.ca

Planning and Development Department, Development Division
Physical Address: 71 Main Street West, 7th Floor
Phone: 905-546-4280 Fax: 905-546-4202

December 20, 2002

RECEIVED
-12- 20 2002
COM OF ADJUSTMT

Ms. Carol Connor
Secretary-Treasurer
Committee of Adjustment

Dear Ms. Connor:

RE: Consent Application, GL/B-02:205, Wayne and Hilda Bartels
3160 Kirk Road (Binbrook)
City of Hamilton

Pursuant to section 45(12) of the *Planning Act*, 1990, Chapter P. 13, the purpose of this letter is to state a formal objection on behalf of the City of Hamilton regarding the Committee of Adjustments decision to approve the above application.

The above application to grant a severance of a 0.40-hectare residential parcel for infill purposes was reviewed by City of Hamilton staff. Upon review staff recommended the Committee of Adjustment refuse the application. It is staff's position that the application is in direct conflict with the residential infill policies in the Glanbrook and Hamilton-Wentworth Official Plans. Therefore, the application fails to meet the criteria set out in Section 45(1) of the *Planning Act*.

City of Hamilton Staff requests that you forward our objection letter along with the prescribed fee to the Ontario Municipal Board.

Yours Truly,

Tim McCabe

Tim McCabe, MCIP RPP
Director, Development Division

cc: Paul Mallard, Manager, Development Planning
Ray Lee, Senior Project Manager

SECTION 13

CITY WIDE IMPLICATIONS

13.1

CITY OF HAMILTON

SOCIAL AND PUBLIC HEALTH SERVICES DEPARTMENT
Program Policy and Planning Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Joe-Anne Priel, General Manager
Date:	January 30, 2003	**Prepared by:**	Sandra Kelly 546-4500 Kate Feightner 546-3538 Jane Soldera 546-2399

SUBJECT: Ontario Works Enhancement Fund (SPH03002) (City Wide)

RECOMMENDATION:

That Report No. SPHO3002 respecting Ontario Works Enhancement Fund be received for information

Joe-Anne Priel, General Manager
Social & Public Health Services

EXECUTIVE SUMMARY:

In October of 2002, the Ministry of Community, Family and Children's Services officially notified the Social and Public Health Services Department that it would receive a total of $4,979,000 in one-time funding from the Ontario Works Enhancement Fund for meeting employment and community placement targets. The Department was able to meet the Ministry targets and thus receive these funds as a result of much hard work and re-alignment of resources within the Ontario Works program.

Upon notification of the funding the Department developed a planning process for funding allocation. The process was initiated to ensure that the allocation of the funds addressed local unmet human service needs in the Hamilton community, in accordance with the criteria set by the province.

The province has stipulated that the Ontario Works Enhancement Fund can not finance projects such as the following: major capital projects, policing enforcement for which municipalities are responsible, development or maintenance of roads, sewers or any other such items traditionally referred to as hard services, may not be applied to municipal reserve funds, and may not be used to offset the 20% municipal cost-share of

programs currently being funded by the Ministry. The Province has also stipulated that any unspent funds at year-end (December 31, 2003) must be returned to the Province.

See Appendix A for a list of projects that will be supported through this one-time funding.

BACKGROUND:

In 1999 the Ministry of Community and Social Services (now Ministry of Community, Family and Children's Services) announced a 3-year action plan designed to increase the number of employment and community placements achieved through the Ontario Works (OW) program. In 1999/2000 (fiscal year) Hamilton did not exceed the Provincial minimum targets for OW placements. In 2000/2001, targets were improved upon and translated into $200,000 in Enhancement Funding. For 2001/2002, the final year of the program, as the result of much hard work and re-alignment of resources within the OW program, targets were exceeded, thus translating into $4,979,000 in one-time Enhancement Funding.

Placements are an important part of OW employment assistance. Increasing community placements provides more participants with the opportunity to contribute to their communities while gaining skills, making job contacts and obtaining current references that can help them acquire a paying job. Increasing employment placements will give more participants, who need additional support, the help they need to be placed in paid jobs.

Municipalities are able to make choices about how to invest these Enhancement Funding dollars, as long as it targets local unmet human service needs. The funding is to be expended on services such as helping those on social assistance, providing assistance to vulnerable children, supporting the homeless, and childcare.

The Department's Senior Management Team assembled a staff work group with representation from various Divisions within the department (i.e. Healthy Lifestyles and Youth, Employment and Income Support Services, Parent and Child, and Program Policy and Planning) to refine funding criteria, develop an application form, and initiate an internal call for proposals from Departmental programs. Set evaluation criteria and an evaluation form were utilized in the rating of the applications.

See Appendix A for a list of projects that will be supported through this one-time funding.

ANALYSIS OF ALTERNATIVES:

The Province stipulates that the Ontario Works Enhancement Fund may not be utilized for the following: major capital projects; policing enforcement for which municipalities are responsible; development or maintenance of roads, sewers or any other such items traditionally referred to as hard services; may not be applied to municipal reserve funds; and may not be used to offset the 20% municipal cost-share of programs currently being funded by the Ministry.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

There are a total of 8.7 FTE of temporary staffing positions (for varying lengths of time) for 2003 funded through the approved projects. Funding of these positions will result in no increase to the net levy. A majority of the funds ($4,636,595) has been allocated as outlined in Appendix A. The remaining funds ($263,405) will be expended during 2003 as emerging needs are identified within the Department.

POLICIES AFFECTING PROPOSAL:

The Province has stipulated that any unspent funds at year-end (December 31, 2003) must be returned to the Province.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Social and Public Health Services has consulted with both the Planning & Development and the Emergency Services Departments regarding utilization of these funds to address other unmet human service needs. Both Departments have indicated they had no opportunity to utilize the funds due to provincial criteria (not available for major capital projects) and due to the one-time nature of the funding.

CITY STRATEGIC COMMITMENT:

The Ontario Works Enhancement Fund projects target local unmet human service needs which relate to health, social, and community support. The funded projects supports the Mission, Vision, Values and Goals of the City of Hamilton in several ways. For example, Goal 2 is addressed in that this funding will provide a quality community service to citizens with varying needs and circumstances, and it will work with other levels of government and the community to ensure that people in need are supported and cared for. The proposed Ontario Works Enhancement Fund also supports the Quality of Life and Livelihood goals of Vision 2020. Specifically, the strategy supports directions to: increase the number of years or good health for all citizens by reducing illness, disability, and premature deaths, develop a population that is literate, educated, possesses the skills of lifelong learning and supports the concept of sustainable development and, to make the City of Hamilton's labour force the best trained and adapted in the world, in order to ensure local business is competitive and innovative.

SPH03002 Appendix A
Ontario Works Enhancement Fund Projects

Application	Branch	Description
Shelter and Housing	Community Programs	To provide support to local shelter/housing initiatives.
Festival of Hearts	Healthy Lifestyles and Youth	A one day cultural festival that promotes heart health and healthy lifestyle in the cultural community. This festival not only provides the opportunity to increase knowledge and awareness of the various cultures in Hamilton, but also for increased awareness of Social and Public Health Service Department's programs.
Dental	Healthy Lifestyles and Youth	At present the waiting time for dental treatment for OW recipients, dependants, homeless and street youth is approximately 6 months. This one-time project is designed to enhance the existing dental program by adding 2.2 FTE (temporary) and the necessary supplies to reduce the long waiting list for dental services by the end of 2003.
Red Hill	Parent and Child	The Red Hill facility is not air-conditioned which poses significant risk to children on smog and heat alert days. The provision of air conditioning will provide a healthy environment for these children and staff, and respite from the heat in the summer months.
Training for Intimate Partner Violence Screening	Healthy Lifestyles and Youth	Intimate partner violence has serious long-term affects on the health and well being of women and their children. An interdepartmental workgroup of SPHSD staff are currently working together to implement a screening protocol that would assist in the identification of women experiencing abuse. This funding will provide Intimate Partner Violence training to SPHSD staff.
Beasley Youth Program	Healthy Lifestyles and Youth	An enhancement to the existing Beasley Youth Program. This enhancement, with a 1 FTE (temporary) component will: Improve access to recreational and learning opportunities for children living in the Beasley neighborhood; provide Community Service placements for secondary students; and provide after school nutritious snacks for mentors and program participants.
Information Sharing Project & Career Development Package	Employment and Income Support	This program will provide career development packages to Ontario Works recipients who are successful in obtaining employment. There is a 1 FTE (temporary) component to this program to collate packages; co-ordinate, market and liase with internal and community partners/resources.
Employment	Employment and Income Support	This program has will provide skill training for Ontario Works (OW) participants, and will assist immigrants in receipt of OW with accreditation costs.
Our Future Our Youth	Employment and Income Support	This program will provide a Back to School clothing benefit for OW Youth (applicants) attending high school (only eligible for benefit under OW if a dependant). It will also provide school related expenses and computer equipment on an as requested basis (i.e. school uniform).

Application	Branch	Description
Mental Health Supports – OW	Employment and Income Support	This project will provide: 1 FTE (temporary) Disability Resource Staff Person to support OW Case Managers with "hard to serve" participants; and 1 FTE (temporary) to complete a needs assessment and evaluation of the program.
OW Transportation Program	Employment and Income Support	Transportation allowance to OW recipients to be able to seek, secure, and maintain employment. The following areas will be funded: ongoing supports to participants who have secured full time employment for 3 months; enhanced incentives for employers who operate a business in areas beyond public transportation boundaries; and transportation allowance to be able to seek employment.
Bridging the Gap	Employment and Income Support	This incentive fund will help offset living expenses for OW/ODSP participants while attending a training program, and into the first couple of months of employment after completing the training program.
Street Outreach Program	Community Programs	To provide emergency transportation, food vouchers and basic medical supplies to individual in a crisis situation. This is a community program based out of the Centenary United Church in collaboration with the Street Outreach staff of the Mental Health/Outreach Program.
Co-ordination / Monitoring of OW Enhancement Fund	Employment and Income Support	To manage disbursement of the funds and ensure that proper departmental and provincial reporting requirements are met. 1 FTE (temporary) is recommended for this function.
Social Development Strategy	Program Policy and Planning	To provide program support to further develop and implement the work-plan for the social development strategy and the affiliated flagship initiatives. This program includes a 1.5 FTE (temporary) component.
HRDC Funded Programs	Employment and Income Support	HRDC has eliminated funding for some employment programs. Funding is requested to cover the 20% portion of the programs.
Emergency Shelter Training	Strategic Services	Emergency shelter training for departmental staff.
Career Development Centre	Employment and Income Support	Funding will cover minor capital and operational costs.
Shelter/Utility - Share the Warmth	Program Policy and Planning	Support to low income and non NCB eligible residents with utility arrears (linkage to affordability sub committee).
Shelter/Utility Fund	Program Policy and Planning	Support to all non NCB eligible OW and ODSP participants with shelter/utility arrears.
Unallocated Funds		There are unallocated funds remaining. These funds will be expended on urgent/emerging needs throughout 2003 using the same process and eligibility criteria utilized for the approved projects to ensure consistency.

CITY WIDE IMPLICATIONS

13.2

CITY OF HAMILTON

SOCIAL AND PUBLIC HEALTH SERVICES DEPARTMENT
Program Delivery Division

Report to:	Committee of the Whole	**Submitted by:**	Joe-Anne Priel General Manager
Date:	February 3, 2003	**Prepared by:**	C. Buffett (905)546-4811

SUBJECT: **Cost of Purchasing RCF Per Diem Subsidy to Full Capacity (SPH02024a)(City Wide)**

RECOMMENDATION:

That report number SPH02024a, respecting additional financial implications of purchasing per diem subsidies for 1177 residential care facility tenants per month in 2003, be received for information.

Joe-Anne Priel
General Manager
Social & Public Health Services

EXECUTIVE SUMMARY:

At the October 9, 2002 Council meeting, a motion was carried directing Social and Public Health Services (SPHS) staff to determine the financial impact of purchasing per diem subsidies to the approved capacity level of 1288. This motion resulted from the receipt of report SPH02024, a Budget Variance Report for Schedule 20 Residential Care Facilities for the City of Hamilton, which recommended limiting the total number of subsidies for tenants of residential care facilities to approximately 869 per month beginning in 2003.

Throughout the last three years there has been a 15-22% vacancy rate in the local Residential Care Facility industry. This means that the actual utilization pattern or demand for subsidy in recent years has been approximately 850 – 917 tenants per month.

Since October 2002 three residential care facilities have closed, which reduced the approved capacity level within the system from 1288 to 1177. While the capacity of 1177 subsidies has zoning/licensing approval, SPHS receives shared provincial funding to the level of 869 subsidies for tenants (based on an average case mix utilization cost). In order to provide subsidy to the licensed capacity of 1177, there would be a net levy increase of $2,051,153.00.

BACKGROUND:

Over the years, Council has provided approval for up to 1288 subsidized tenants living in 67 residential care facilities. The approval has been based on zoned/licensed capacity of the homes to provide services to this number of tenants. As of January 2003, the current capacity for subsidies was reduced to 1177 within 65 residential care facilities. At the same time, the total per diem costs have risen due to several factors - an approved per diem basic increase and increased municipal costs to subsidize tenants who receive the Ontario Disability Support Program (ODSP).

The average monthly cost of each subsidy is approximately $557.26, which is cost shared 80/20 with the province. This average monthly cost fluctuates depending on the proportion of tenants who receive ODSP, Ontario Works, and Old Age Security/Canada Pension. The City pays more subsidy for tenants who receive social assistance in the form of ODSP and Ontario Works than for tenants who receive Old Age Security/Canada Pension.

The Ministry of Community, Family and Children's Services contributes 80% of the cost of these subsidies, and has capped this program at a gross expenditure of 6,045,450.00. Of this the City pays 20% ($1,209,090.00). At this funding level and the current mix of tenants, this program can subsidize approximately 869 tenants. If Council were to decide to provide services above the provincial cap, these would be 100% funded by the City of Hamilton. The net levy cost of an additional 308 tenants beyond the recommended 869 tenants for 2003 would be $2,050,153.00.

ANALYSIS OF ALTERNATIVES:

Council approved report SPH02024, which limited the total number of subsidies to 869 per month beginning in January 2003 in order to maintain a neutral variance.
If Council were to decide to increase the number of subsidies to 1177, it would have significant financial implications for the Corporation.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The financial implication if the City approved subsidy for all 1177 beds would be an additional net levy increase of $2,050,153.00. In addition to this, 1 additional case manager (approximately $56,000.00) would be required to be added to the program administration costs. This one FTE would be needed to manage the additional caseload of approximately 300 persons.

POLICIES AFFECTING PROPOSAL:

None applicable.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

As per Report SPH02024, consultations have taken place with the Ministry of Community, Family and Children's Services and Corporate Finance.

CITY STRATEGIC COMMITMENT:

Continuing to provide subsidized RCF beds will assist the City to achieve the goals and strategies identified in the Strategic Plan of "a City where people come first " by developing a caring community which gives support and opportunity to all of its members.

SECTION 14

CITY WIDE IMPLICATIONS

14.1

CITY OF HAMILTON

TRANSPORTATION, OPERATIONS & ENVIRONMENT DEPARTMENT
Water and Wastewater Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Scott Stewart Acting General Manager
Date:	January 28, 2003	**Prepared by:**	Dan Chauvin Extension 5988

SUBJECT: **Designation of Signing Officer for Annual Water Compliance Reports (TOE03018) - (City Wide Implications)**

RECOMMENDATION:

That the General Manager of Transportation, Operations & Environment be designated as signing officer for all future annual water Compliance Reports to be prepared in accordance with the newly issued Certificates of Approval for each of the waterworks owned by the City.

Scott

Scott Stewart, Acting General Manager
Transportation, Operations & Environment

EXECUTIVE SUMMARY:

In accordance with a condition of the newly issued Certificates of Approval (CofA), Council for the City of Hamilton is required to designate a person to sign the annual Compliance Reports to be prepared for each of the five waterworks systems owned by the municipality.

The requirement in all five (5) CofAs held by the City, specifies that a Compliance Report must be completed and made available to the public by March 31 of every year. Furthermore, the City is to confirm by resolution that the Compliance Report has been presented to Council within three months of completion (prior to the end of June).

Staff of the Water Quality Section in the Water and Wastewater Division will prepare the annual Compliance Reports within the framework of the water quality reports already being issued on a quarterly basis.

BACKGROUND:

In August 2000, the Ministry of the Environment (MOE) issued Regulation 459/00 and the associated Ontario Drinking Water Standard (ODWS). The Regulation impacts all facilities in Ontario providing potable water to a population over five homes or capable of producing between 50,000 and 250,000 litres of water per day. One requirement of the Regulation is that owners of drinking water systems must prepare and submit Engineer's Reports, in accordance with terms of reference issued by the MOE, detailing the treatment process and regulatory requirements of all their respective waterworks systems. These reports must include recommendations for any upgrades to the waterworks facility needed to meet MOE standards.

Subsequently, the MOE issued new, or "consolidated", Certificates of Approval (CofA) to owners of waterworks systems incorporating the specific details identified within the submitted Engineer's Reports. Furthermore, new conditions are included in the CofAs, some unique to individual waterworks systems and others common to all CofAs issued in Ontario.

In report LS02007/TOE02081 "Consolidated Waterworks Certificates of Approval Appeals to Environmental Review Tribunal", carried at Committee of the Whole on May 7, 2002, staff recommended an appeal of a number of site-specific and general conditions contained within the City's five CofAs. At its meeting of May 15, 2002, Council authorized the City Solicitor to take all necessary actions to appeal those conditions to the Environmental Review Tribunal (ERT). One item being considered in the appeal is the requirement to certify annual Compliance Reports and the potential legal implications following that process. Part of the City's appeal involves the appropriateness of the matters to be contained in the Compliance Report.

Since that time, staff have met with the MOE and resolved a number of technical concerns; however, satisfaction was not achieved on all items. Therefore, it is expected that we will be proceeding with the ERT hearings scheduled to start on February 24, 2003.

ANALYSIS OF ALTERNATIVES:

Council can designate its own alternate person to sign all Compliance Reports.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial Implications:

Not applicable.

Staffing Implications:

Not applicable.

Legal Implications:

The designation of a person to sign Compliance Reports prepared for each waterworks system owned by the City is a legal requirement of the current CofAs, until and unless the Compliance Report requirement is removed by the MOE or the ERT.

POLICIES AFFECTING PROPOSAL:

Not applicable.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Legal Services Division.

CITY STRATEGIC COMMITMENT:

The signing of Compliance Reports and the appeal of the CofAs will not adversely affect the City's strategic commitments of protecting public health by ensuring that water supplied to residents remains reliable, of high quality, safe and suitable for drinking.

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COMMITTEE OF THE WHOLE

February 20, 2003

BUDGET SESSION 9:30 to 5:00 p.m.

ORDER OF BUSINESS

1. **Continuation of any Budget Presentations from February 18th**

2. **Corporate Secretariat**

    (a) Corporate Communications Budget Scenarios
    (b) Municipal Service Centre Budget Information
    (c) Customer Contact Centre Budget Information

3. **Social and Public Health Services**

    (a) West Nile Virus Prevention and Control for the 2003 Season

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SECTION 2

2(a)

Hamilton
City Manager's Office

Memorandum

Date: February 17, 2003

To: Mayor and Members of Council

From: Bob Robertson
City Manager

Subject: **Corporate Communications Budget Scenarios**

Background

During budget deliberations on January 10, 2003, Council directed Staff to investigate and report back on the impacts to the City if the Corporate Communications Division was either eliminated or its budget reduced by $400,000. The 2003 requested budget for Communications – excluding Print and Mail operations – is $832,680. A $400,000 reduction, or roughly 50% of current allocation, would result in a net operating budget of $432,680.

The 2003 requested staff complement for Communications, not including Print and Mail operations, is 8.80 (9 staff with one individual currently on a 4-day, short work week agreement).

This memorandum addresses the two scenarios -- a 100% reduction (elimination of the Division) or a 50%, $400,000 operating budget reduction – while providing an overview of effects under both scenarios.

Context

City Council and Staff have the responsibility to communicate decisions about policies and programs to residents of the City of Hamilton. Council has itself stressed the importance of effective communications to residents through its strategic commitment of "Putting people first" and committing to providing clear and open communications to residents.

Current best practices from both public and private sectors indicate that these communication needs are best managed by professionals: Corporate Communications staff are specialists in media relations, issues management, outreach, writing and creative development, advertising and speechwriting.

Communication plays a vital and necessary role in the normal operations of any reputable billion-dollar corporation. Recent research has shown that in typical organizations, the public relations function returns more than it costs to implement – on average, about 186% return on investment. Even senior managers in organizations described as "least-excellent" in their communications reported an average 140% ROI (Grunig, Grunig and Dozier, 2002).

The City of Hamilton has always had a dedicated communications capability. Prior to amalgamation, communications practitioners were housed in HSR, Economic Development, Social and Public Health and Culture and Recreation departments.

With amalgamation, five staff individuals were picked to form a centralized Corporate Communications Division as a means to realize savings and efficiencies while maintaining a corporate perspective.

Currently, Hamilton has a disproportionately small staff complement for Communications relative to other Ontario municipalities. (Appendix 1: Communications departments staff complement in comparator municipalities). It is also worth noting that 9 of the 11 comparator Municipalities have increased the size of their Communications departments in the last year.

Scenario:
No Communications function to the City of Hamilton

Project output impacts will be severe as several initiatives and projects will be eliminated:

- No Annual Report
- No communications role in Emergency Response procedures
- No stewardship of the City's corporate image and identity
- No internal management of the City's statutory municipal advertising
- No media liaison function
- No consistency in responding to media
- No formalized internal communications
- No consistency in communications originating from departments
- No communications training for staff
- No advertising created in-house
- No communications support to major 2003 sporting events
- No corporate communications strategy for showcasing Hamilton during major 2003 sporting events

Corporate Impact: Increased costs, reduced capacity for City departments, with a deterioration in communications quality

Based on current levels of communications activity, comparable external billing would be in excess of $1 million. (Appendix 2: Estimate of Contractor Fees). In addition, cost savings from participation in corporate communications vehicles, such as weekly radio broadcasts and the weekly municipal advertising insert, would be lost. The quality of communications to residents and stakeholders will decrease as City staff (without the same expertise and formal training across communications functions) attempt to create and manage communications campaigns in support of programs. Costs dedicated to these programs will, in all likelihood, escalate. (Appendix 3: Impact on specific Activity Outputs).

Communications staff are also an integral part of Hamilton's mandated municipal emergency plan. Without communications, there would be no staff with the skill or experience required to advise senior management and elected officials on communication issues critical to maintaining public safety and the City's reputation, and to execute the response plan. The plan is regularly activated – for example, the water main break of Tuesday, January 21st – in addition to the periodic testing which it must undergo. Communications is integral to the smooth operations of the plan, and vital to the City's ability to recover from emergency and crisis situations.

Communications provides critical support to designated City spokespersons on a daily basis. Without assistance, these staff would be less able to provide clear and concise information on most issues, from public safety and litigation concerns to waste collection and transportation affairs. Again, ineffective or poor communication often leads to important information being ignored. The result can be eroding trust and confidence on the part of the public and staff, increased exposure to financial and legal liabilities, and financial losses due to ineffective marketing.

Impact on Reputation: Deterioration of the City of Hamilton Corporate Image

The City has begun creating a new identity and image – the one-time capital investment of $600,000 into the launch of the City brand has created an asset that needs to be properly managed. The recruitment element of the brand campaign is critical to maintaining momentum and meeting serious human resource challenges that this community faces (e.g. physician recruitment).

$50,000 was spent specifically on the new corporate identity and its usage guidelines booklet. Usage protocols would be transferred to another department, and a rapid increase in non-compliance is expected. The management of this newly created asset requires understanding and careful management and needs to be a corporate function.

Hamilton has image issues throughout the rest of Canada, and our City government has image problems here at home. A recently published survey (City of Hamilton Image Benchmark Research, Insight Group, January 2003) provides compelling information about impressions of Hamilton and its overall image. The findings indicate that the City must continue to be more transparent and communicate to residents and local businesses consistently and with clarity.

Impact on major 2003 sporting events: Unique opportunities to showcase Hamilton to the world will be lost

For the first time in a long time, the eyes of the world will be on Hamilton as over 250,000 people are expected to come to Hamilton for the world's third-largest sporting event, the World Cycling Championship. An event of this magnitude does not occur without increased communications activity (and overall preparedness) while providing the opportunity to promote and showcase the best of Hamilton to the world's media. Providing international journalists with background information on Hamilton, press kits, familiarization packages will simply not take place without a Communications function to play a lead role. This seeming lack of preparation and resources will adversely affect perceptions.

The Bell Canadian Open represents a similar challenge in terms of event management and profiling Hamilton – with no input or representation from the City.

Finally, there will be no contribution from Communications to the current Commonwealth Games bid.

Impact on Employee Alignment: Internal communications will be non-existent

One of the most damaging effects will be on communicating and managing the changes taking place within the organization. Change management principles highlight the need to provide constant, steady, open communication to employees during periods of restructuring and downsizing.

Important bulletins to staff from the Corporate Management Team would be delayed or discontinued, leading to chronic communication breakdowns.

Information that assists employees in doing their jobs would be poorly communicated and ineffective, leading to a range of difficulties and mistakes with tangible financial implications.

SCENARIO:
50 PERCENT OF CURRENT COMMUNICATIONS FUNCTION

With a scenario based on 50% of the current budget complement, the level of service to City departments, the Mayor's office and Councillors, and special initiatives and projects will be significantly reduced. Communications support to departments will increasingly occur on a need / priority basis – i.e. those judged from a corporate perspective to represent high risk or high benefit.

Similarly, smaller, internal support departments would not receive regular, on-going service, but would rather be attended to on an ad hoc project basis.

There will be little or no capacity to carry on regular activities should a significant issue or municipal emergency develop – priorities would shift as scarce resources are deployed into "damage control" mode.

In general communication will become more reactive, less "proactive" with lessened focus on promoting positive developments. Media relations management would become strictly proactive – little capacity to pitch positive stories, little capacity to begin changing perceptions around Hamilton.

Activity Output Impacts:

Activity and project output impacts will be serious as service levels and initiatives are cut back:

- Strategic advice to internal clients would be scaled back considerably, addressed on a priority basis;
- Strategic and creative development of advertising programs will be severely curtailed – greater cost to programs;
- Emergency Response Procedures will be compromised in the event of a full-scale, multi-day incident (staffing support will become an issue);
- Information and education programs will be executed only on a priority basis;
- Corporate Identity and brand management becomes increasingly logo monitoring with no resources to extend the brand campaign;
- No capacity to assist in the development and production of communications materials;
- Some Divisions will receive no regular Communications service;
- The City's weekly radio broadcast will be cancelled; and
- The City's newly redesigned website will deteriorate in quality with less editorial input from Communications.

Appendix 1: Hamilton's Comparator Cities - Breakdown of Communication Departments: As of January 25, 2003

City/Region	Staff Complement	Organizational Structure
Brampton, City of	1 Executive Director - 1 Sr. Manager - 3 Sr. Communication Associates 2 Communication Associates - 2 Promotion Assistants **Total: 9**	Centralized
Durham, Region of	1 Manager - 1 Assistant - 5 Communications Personnel - 2 Web Masters Police Department: 1 Communications Manager - 1 Media Relations Officer **Total: 11**	Decentralized
Halton, Region of	1 Director - 1 Administrative Assistant - 5 Communications Specialists 2 Graphic Designers - 1 Senior Graphic Technician **Total: 10**	Centralized
London, City of	1 Director - 1 Administrative Assistant - 4 Communication Specialists **Total: 6**	N/A
Mississauga, City of	1 Director - 5 Communications Officers - 5 Creative - 5 Inquiries (Each department below has one Managerial position) 5 Communications (Including 1 Receptionist) - 5 Creative 8 Inquiries (2 part-time positions) - 10 Public Affairs **Total: 44**	Moving slowly towards centralization
Niagara, Regional of	1 Administrative Assistant - 1 Public Health Coordinator 1 Media Relations Coordinator (temp) - 1 Community Services Coordinator 2 Corporate Communications Coordinators 1 Corporate Communications Strategist **Total: 7**	Decentralized (Organizational design underway)
Ottawa, City of	1 Director - 8 Managers - 85 Personnel (media relations, coordinators translators, speechwriters, web masters) **Total: 94**	Centre of Expertise
Peel, Region of	1 Director - 1 Administrative Assistant - 2 Managers 1 Communication Assistant - 3 Senior Associates 6 Associates (5 Coordinators - 1 Event Coordinator) 9 Design Team Members 1 Web Master - 1 Team Leader Design - 6 Design Team Members **Total: 31**	Centralized
Waterloo, Region of	1 Coordinator 1 part-time position (about 20% of time dedicated to Communications) **Total: 1.5**	N/A
Windsor, City of	1 Coordinator **Total: 1**	N/A
York, Region of	1 Director - 1 Administrative Assistant - 4 Communication Specialists 1 Senior Media Specialist - 1 Multi-Media Specialist - 1 Health Educator/Media **Total: 9**	Decentralized

Appendix 2

Estimate of Contractor Fees to Provide Corporate Communications Activity Outputs

In total, Communications Division provided roughly 7,200* hours of *direct service* to City departments (1,200 hours for each Communications Officer x 6)

Communications Division also provided high *value-added strategic services* to City departments and the Mayor's office including media and presentation training; speech writing; advertising creative development, and strategic facilitation.

Equivalent services contracted externally: 7,200 hours @ $125 / hour =	$ 900,000
Value-added strategic services:	$ 250,000
TOTAL VALUE OF COMMUNICATIONS SERVICES	**$1,150,000**

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*Based on "billable hours" recorded between January and June, 2002

Appendix 3

Impact of Zero Communications Function to the City of Hamilton, based on Activity Outputs:

- *Strategic advice and counsel* to City departments may be outsourced at a rate of roughly $100 – 150 per hour. Costs to departments would soar, capacity would be impacted, or quality of communications to residents and stakeholders would suffer as department staff attempt to formulate communications plans or cut back entirely.
- *Media relations management* would be outsourced at a rate of $100 – 150 per hour, or ability to effectively and professionally respond to media requests would suffer greatly. Proactive media programs ("pitching" positive stories) would cease to exist.
- *Management of statutory Municipal Advertising*, a centralized function, must be absorbed by another City department (roughly .75 FTE), or outsourced on a freelance basis ($50 - 75,000).
- *City website* will lose Communications input into quality control, clarity, relevance and utility.
- Strategic and creative development of *advertising programs* could be outsourced at $150 per hour – greatly cutting into program budgets.
- *Communications training* to staff and the Mayor's Office would not be available, or would be purchased from external suppliers at minimum $2,000 per day.
- *The City's Emergency Response procedures* and *Municipal Emergency Plan* and would be exceedingly compromised: the mandated plan requires communications involvement at ECG, ESG and on-site.

  Contracted service equivalent: $10 – 15,000 for emergency response team; plus additional hourly / project billing of $ 100 – 150.
- *Annual Report* will be cancelled, or editorial and production coordination assumed by a City department – huge new learning curve; or contracted for $10,000 in addition to design and printing.
- *Information and education programs* assumed internally or contracted out.
- *Corporate Identity and brand management* becomes solely logo monitoring, transferred to Clerks, City Manager, Legal. Deterioration of standards. No continuation of the brand campaign.
- *Development and production of communications material* including high-level speeches and presentations, brochures and reports – management and production contracted out or scaled down considerably

MUNICIPAL SERVICE CENTRE STATISTICS FOR 2002

	1st Quarter		2nd Quarter		3rd Quarter		4th Quarter		TOTAL	
	Walk - in Visits		Walk - in Visits		Walk - in Visits		Walk - in Visits		Walk-In Visits	
	Info	Transactions	Info	Transactions	Info	Transactions	Info	Transactions		
Ancaster	1,050	2,611	1,735	3,927	1,603	2,152			4,388	8,690
Dundas	832	2,663	767	3,636	986	2,641			2,585	8,940
Flamborough	1,583	5,040	1,459	2,572	626	1,644			3,668	9,256
Glanbrook	980	1,250	618	2,034	558	2,136			2,156	5,420
Stoney Creek	3,427	5,859	2,964	3,784	790	1,287			7,181	10,930
Total Walk-In	**7,872**	**17,423**	**7,543**	**15,953**	**4,563**	**9,860**	**-**	**-**	**19,978**	**43,236**

	Telephone Inquiries	Telephone Inquiries	Telephone Inquiries	Telephone Inquiries	
Ancaster	503	682	827		2,012
Dundas	619	703	832		2,154
Flamborough	125	216	207		548
Glanbrook	551	443	448		1,442
Stoney Creek	1,445	962	725		3,132
Total Telephone	**3,243**	**3,006**	**3,039**	**-**	**9,288**

	Processing	Processing	Processing	Processing	
Ancaster	1,859	858	882		3,599
Dundas	1,549	4,297	2,210		8,056
Flamborough	4,560	3,938	1,359		9,857
Glanbrook	11,628	29,937	24,869		66,434
Stoney Creek	486	796	518		1,800
Total Processing	**20,082**	**39,826**	**29,838**	**-**	**89,746**

2(b)

Hamilton
City Manager's Office

Memorandum

Date: January 29, 2003

To: Mayor and Members
Committee of the Whole

From: Bob Robertson, City Manager

Subject: **Municipal Service Centre Budget Information**

Background

During discussion of the Corporate Secretariat budget, the Municipal Service Centre operating budget was tabled. The operating budget submitted for 2003 is a total of $834,870 which includes a reduction of 3 FTE and $167,850 in operating expenses as a result of closing one centre, which has yet to be determined.

The following additional information about the Municipal Service Centres (MSCs) is provided for the members of Council. A brief outline of information about the MSCs is attached.

Comments

The MSCs provided a broad range of counter service to the over 67,000 residents who visited them in 2002. This is one of the service areas that truly provide multi-tasking services in the city, and offer the opportunity of expanding these services in the future. A sampling of current services available for customers in the MSCs is attached. The addition of services such as the sale of Taxi Scrip, DARTS tickets and composters, as well as becoming water bottle testing drop-off locations resulted in these services being more accessible to members of the public than they had been in the past.

Municipal Service Centre staff provide operational support to several necessary functions in other departments. This includes assisting with tax calls, processing of tax and parking ticket payments, marriage licenses, burial permits, collection of planning and building fees, sale of bus passes, bus tickets, Taxi Scrip and DARTS passes, etc. In addition, they provide administrative support to other departments through data input, transcribing, preparation of bulk mailings and other processing.

In 2002, revenue collected at the MSCs from walk-in customers totaled approximately $26,286,481, including tax payments of $23,357,719. These figures do not include revenue received through the processing of mailed tax and parking ticket payments handled by the staff at the MSCs. This revenue is reflected in the budget of the appropriate program area, but is noted here in order to provide information about the work that has been assumed by staff at the MSCs.

During the budget deliberations, discussion took place about the possible savings if additional MSCs were to be closed. As all of the work undertaken by the MSC staff would still need to be completed, the possible savings are minimal. Staff estimate that at least 10.5 employees would need to be added into the functional areas in the organization if the MSCs were to be closed, and this estimate is perhaps conservative. What it does not account for is the time it takes staff to respond to customer inquiries that might be translated to additional telephone calls if the MSCs were closed. In addition, it does not include work for which there has been a commitment made for 2003.

The work assumed by the MSC staff has increased over the last two years and continues to grow. During 2003, staff will be undertaking the processing of Provincial Offences Act tickets, some of which are currently sent to external contractors to process. The required software has been added and training has commenced to allow this work to be assumed by the MSC staff. It is estimated that they will process a minimum of 55,000 tickets into the provincial database per year. In addition, staff will process all of the mailed dog licensing renewals, as well as continue to process animal control licenses for walk-in traffic. Over the next couple of months, MSC staff will also assist with inputting the information into the new animal control database.

In preliminary discussions with Library staff, it was determined that there is insufficient capacity for Library staff or MSC staff to take on each other's duties completely. The Dundas community was reviewed as a possible location for joint service provision and there may be the possibility of eliminating one FTE, if the two work units could be combined. While there are several obstacles that would need to be overcome, such as the requirement for different credentials, different union locals, the significant time away from duties that is required for ongoing training and space requirement, further discussions with library staff will be held to address these issues.

With the future implementation of the IP telephony, there will be an opportunity for the MSC staff to assist with calls to 546-CITY during some of the peak periods. As well, there is the possibility of re-allocating processing work from other departments, such as timesheet processing, into the MSCs. This can be more fully explored after the Core Services Review is reviewed, and during the implementation of the organizational re-structuring.

While the primary objective for the MSC staff is to provide counter service to the customers, they also act as additional resources for other departmental areas. However, there is still an opportunity, with the input and co-operation from other departments to look for further efficiencies through re-design of business processes in order to utilize the MSC staff to their full capacity, thus increasing efficiency while maintaining a local presence.

Municipal Service Centres

Context

- 5 municipal service centres (Ancaster, Dundas, Flamborough, Glanbrook, Stoney Creek)
- there are other City or community services offered in all of these centres except for Dundas
- recent re-location of community groups into the Flamborough Service centre has allowed one City facility to be put onto the surplus properties list

Current Services and Levels

Service Levels and Costs

- Total Customers served in 2002 – 81,140
    - Walk-ins – 67,126
    - Phone inquiries – 14,040 (unpublished numbers)
- Additional processing – 139,033
    - Parking payments – 51,641
    - Tax payments – 41,033
    - Vailtech system changes (ownership changes, etc.) – 18,754
    - Other – 27,605
        - Includes composters, facility rentals, recreation facility bookings, culture and recreation registrations
- Total Revenues collected (from Walk-in transactions) - $26,286,481
    - Tax - $ 23,357,719
    - Other - $ 2,928,762
        - Includes Parking - $ 2,371,859
        - Marriage Licenses - $ 40,400
        - Planning/Building Fees - $ 120,328
        - Miscellaneous - $ 390,239
        - Birth - $ 5,936

- Operating budget – 2002 - $ 978,530
- Proposed operating budget 2003 - $ 834,870 (for 4 centres)
- 17 FTEs – 1 Manager, 16 Municipal Service Centre reps

Services

- Current Services include:
    - Tax payments
    - Tourism Hamilton sites
    - Parking payments
    - Composters, blue boxes and waste collection information
    - Water bottle pick-up and drop-off for well water testing

  - Marriage licenses, birth registrations, burial permits
  - Information on municipal by-laws, waste program, etc

- Partnerships/shared space in the service centres with other municipal services
  - Building /planning services - provided one half day per week
  - Small Business Enterprise Centre
  - Library services – Ancaster, Stoney Creek
  - Planning/Building – Stoney Creek
  - Roads/Traffic - Glanbrook

- Partnerships in the Centres with other community groups
  - Community police centres – Flamborough and Ancaster
  - Community Information Centres – Flamborough and Ancaster
  - Heritage Society and Archives – Flamborough and Glanbrook
  - Community Home Support – Glanbrook

Future Opportunities

- POA Partnership
  - This year, the centres will take on the processing of POA tickets
  - Training has commenced
  - A minimum of 55,000 per year will be processed at the MSCs
  - Eliminate the need for external contractors to take on this work

- Impacts of IP Telephony
  - Municipal Service Centres have taken on work that allows them to set the work down and deal with the customers at the counter
  - This principle will continue to take priority even with the changes achieved with the IP telephony project and the completion of the Customer Contact Centre
  - Municipal Service Centres will be able to be added to the queue to assist with peak call loads at the Customer Contact Centre, as required
  - Experience is required with IP telephony and the impacts on call loads at the Contact Centre to establish whether or not there will be an impact on the total staff complement of the 2 sections

- Possible partnership with the Province
  - this has been explored in a preliminary way
  - initially to commence with training of our staff on Provincial information
  - further meeting scheduled for February
  - considering seeking approvals for commissioners of oaths and affidavits

- Possible Library Partnership
  - Preliminary discussions have taken place with Library staff
  - Insufficient capacity for Library staff or MSC staff to take on each other's duties completely

- Dundas was reviewed as a possible location for joint service provision
  - The difference in the type of work does not lend itself to an easy joining of the functions
  - At most, there might be possibility of eliminating one staff person, if the two work units could be combined, with significant cross-training
  - There are several obstacles to this:
    - significant time away from duties for training requirements
    - different Union locals
    - different credentials required for job duties

Impacts of eliminating 1

- longer distance for customers to travel to receive counter service
- other processing would be spread over the remaining service centre staff
- inability to continue with some processing requests
- this option is manageable from a workload point of view

Impacts of eliminating all 5 centres

- the workload does not disappear
- POA revert back to contracting out payment processing
- additional staff to be added back to departments
  - assumption that half of the walk-in traffic will disappear
  - additional staff required would be 10.5 (conservative estimate)
- Based on conservative estimate of processing times
  - Examples
    - 5 min. – tax and parking payment for walk-in transactions
    - 4 min. – payment processing
    - 3 min. – telephone inquiries
    - 5 min. – walk-in inquiries
- Elimination of school tours of City Hall by staff

Strategic Commitments

- Municipal Service Centres provide quality community services, honouring community identity (Goal #2 – A Great City in which to Live)
- Municipal Service Centres provide a vehicle for communicating clearly and openly with residents about services and provide accessible access points to services (Goal # 4 – A City Where People come First)
- Municipal Service Centres provide value in service delivery, including service quality, accessibility, and savings

(J. Lee – Jan. 20/03)

Hamilton

City Manager's Office

Memorandum

CORPORATE SECRETARIAT
CUSTOMER SERVICE
SERVICES PROVIDED IN MUNICIPAL SERVICE CENTRES

Department	Service
Corporate Services	• Tax installment payments • Update tax system with all ownership/mortgage changes received by Finance • Process all mailed tax payments received by Finance • Process all postdated payments received by Finance • Process tax certificates • PAP Applications • OCR Loads, weekly/monthly cash reports, PeopleSoft general ledger update • Answer tax phone lines • Receive Hydro/water payments • Reconcile and prepare payment to Hydro for all bills including payments made at City Hall • Parking tickets payments • Sale of Parking permits • Sale of dog and kennel licenses **ParkSmart - (Dundas)** • Posting parking tickets and batches to ParkSmart system • Processing Certificates requesting conviction • Processing Certificates requesting Plate Denial • Processing parking complaints • Canceling parking tickets • Administration and sale of Parking Permits **Clerks** • Vital statistics - Includes birth registrations, Provincial forms etc. • Issue Burial permits • Issue Marriage licenses

Department	Service
	Clerks Cont. • Drainage loan applications • FOI applications • Lottery license applications • Election information/nominations • Agendas/minutes/records • Sale of merchandise (Beyond Paradise book, SPCA material)
Community Services	• Registration drop off • Facility rentals • Sale of Passes • Distribute brochures • Provide information regarding rental rates, youth, swimming instruction, senior's programs, museums, golf courses, farmers' market, public swimming and skating times • Provide information regarding parks, facilities, trails **ire** Burn permits Complaints Information requests and brochure distribution File searches/clearances and fire response reports Demolitions Station tour requests Inspection requests for residential Juvenile firesetters Local initiatives - (i.e. Foodshare, Bundle Up)

Department	Service
Community Planning and Development	• Receive payments for permits • Assemble and explain information packages for specific customer requests (i.e. pool enclosures, additions) • Assist with roll map usage • Assist with customer requests for zoning inquiries • Provide information on current issues (i.e. Red Hill Valley project) • Distribute brochures and applications
Human Resources	• Distribution and Receipt of Applications for Employment • Distribution of Pay slips and time sheets
TOE	• Leaf and Yard waste - Bags, Schedules, Complaints • Information regarding water meter connections, poor pressure, water/sewer repair, road cuts, • Receipt of Transfer Station tickets • Sale of composters • Distribution of information material, calendars • Preparation of displays for special events, (i.e. Garbage pick-up route changes, snow removal routes) **HSR** • Sale of DARTS tickets • Sale of Bus passes • Sale of Taxi Script tickets • Sale of Trentway Wagar senior bus tickets • Distribution of route maps, timetables and information
Social and Public Health	• Drop off location for water samples • Provide mailing services (i.e. Smoking By-law, Breast Cancer awareness information) • Database input (SPSS) for quizzes, event responses, focus group results • Transcribe focus group discussions (audio tape to Word document) • Prepare displays for special events

2(c)

Hamilton
City Manager's Office

Memorandum

Date: January 29, 2003

To: Mayor and Members
Committee of the Whole

From: Bob Robertson, City Manager

Subject: **Customer Contact Centre Budget Information**

Background

The following additional information about the Customer Contact Centre is provided for the members of Council. A brief outline of information about the Contact Centre is attached.

The Customer Contact Centre provides a broad range of telephone and e-mail service to the residents and businesses in the City of Hamilton and beyond, responding to 380,844 telephone calls 1736 general inquiry and 486 tax inquiry e-mails in 2002. The Contact Centre has taken on additional responsibilities for several departments since its opening, and continues to do so. A sampling of current services available for customers in the Contact Centre is attached.

Comments

A review of call volumes and staffing requirements needed by departments in an unconsolidated call taking environment was undertaken. All of the calls would still have to be responded to by the City in an unconsolidated environment therefore there are no savings, and it is estimated that there would be additional costs. Staff estimate that 30.5 employees would be needed to respond to the calls, including 4.5 for a centralized switchboard . This is in comparison to the 23 staff currently responding to citizen inquiries at the Contact Centre.

A question has been raised about whether or not the calls currently responded to at the Contact Centre can be responded to by the Municipal Service Centre staff. It should be noted that the workload would not decrease in either area by making this change. Other issues would arise if this change were made. Communications with the reps about emerging issues is not as easily achieved under this scenario, so that there would inevitably be a delay in sharing information across the work group. The benefits of immediate access to members of the team would also be lost. Currently, the staff in the Contact Centre can rely on their team members for problem solving, research and resolution of issues. This would not be as easily or as promptly achieved in the case of decentralized staff handling the call-taking function. The ability to escalate an issue to a supervisor also becomes less immediate, so causing a delay in problem solving. If the Municipal Service Centre reps were also to be taking calls, the call response would probably be delayed in favour of face-to-face service. The ability to monitor why reps aren't logged on the phones is much more difficult, and the ability to re-align breaks, lunch schedules and hours of operation also is eliminated in this type of decentralized model.

The Customer Contact Centre operates with an Automated Call Distribution System (ACD), which queues the calls and allocates them to the next available customer service representative. This is not the only functional area in the City with an ACD operating. There are 24 other ACD type systems of various age and functionality operating in the City. A review of these systems, including the calls responded to by them, the staff support, and the equipment costs, was only recently completed. It has yet to be presented to Corporate Management Team for discussion, but indicates on a very preliminary basis that there may be additional savings that could be achievable if further consolidation of work into the Customer Contact Centre is undertaken. Savings are achievable both through staff reductions in the respective operating departments and through eventual savings in equipment costs. Staff undertook this review as a possible method of achieving savings sufficient to finance additional operating costs required to undertake conversion to a 24/7 operation and to ensure that there would also be resulting savings to the organization.

In order to capture the savings that were indicated in the Mayor's Strategic Budget Directives for ACD consolidation, the Customer Contact Centre's budget has been reduced by an additional $250,000. These savings will occur in an incremental fashion as workload is transferred to the Contact Centre and positions are downsized in the operating departments accordingly. Base transfers will be processed from the operating budgets to the Customer Contact Centre as implementation occurs to ensure the savings are reflected in the operating department's budgets. This additional amount results in the Customer Service Division budget having a total reduction of $485,090 (16%) over last year's budget, rather than the $235,090 (7%) originally submitted. This will ensure that savings are captured in the 2003 budget.

In terms of logging and tracking, the plan for the Customer Contact Centre is to add the technology to permit effective logging and tracking of municipal issues and service requests and to provide it to members of Council and staff in various formats (by ward, service district, etc) to meet decision-making needs. Some work areas already track service requests to varying degrees of detail; and the Customer Contact Centre utilizes the same system to track calls related to some of these service areas. In response to recent discussions by members of Council, staff are in the process of reviewing those statistics which might be available to members of Council in the short-term, and what additional work on this system might be possible to expand the tracking codes and provide additional information to members of Council. It will be necessary to have a dialogue with members of Council and staff to identify current and future capabilities, and to define the statistical reports to be made available.

Our vision is a system whereby citizen inquiries, complaints and service requests, made anywhere in the organization can be statistically tracked. This would ideally be expanded to include requests made on-line, by phone or across the counter. In addition, the system will need to provide ability to follow the requests or complaints through its work in progress to resolution. Statistical reports would then be available which would indicate service areas or issues of significance, as well as statistical analysis of the organization's ability to resolve these issues. To move to this level of information will require planning, process re-design, and technological resources. Initial implementation will be at the Contact Centre with other functional areas added as resources become available.

The positive impact on the customers being able to receive service with the first answer, or being transferred a minimum number of times should not be underestimated. The Contact Centre will also provide the live-answer option to people who either cannot access the automated phone directory which will be available with the IP telephony implementation, or who need assistance to access the correct person, or program area. That Contact Centre is also a key component of the City's Emergency plan, and provides an ability to respond to visitors to the City, particularly in times of major events.

Experience is required with the implementation of the IP telephony before its full impact on the Customer Contact Centre can be evaluated. Call levels could increase if many callers zero out of the automated option into the Contact Centre queue. There will be increased flexibility to allow for additional queues to be established in other areas, such as the Municipal Service Centres or other departmental areas. Additional opportunities should be looked at for further consolidation into the Contact Centre in the future. For example, the results of the Core Services Review need to be evaluated for efficiencies that might result from co-ordination of work with the Contact Centre. There may also be opportunities for further review during the implementation of the organizational re-structuring.

Because of the existence of the Customer Contact Centre, additional efficiency is created within the organization. With the continued existence of the Contact Centre, the City can maintain good service for the customers and still seek opportunities to look for further efficiencies through re-design of business processes, with thought and co-operation from other departments.

Customer Contact Centre

Context

- 1 Customer Contact Centre taking general and certain specific program telephone inquiries (24 other ACD/UCD phone systems operating in the City in specific departments)
- Customer Contact Centre also responds to e-mails directed to info@hamilton.ca and taxsupport@hamilton.ca
- Assisting with maintaining up to date information on the FAQs and additional supplementary program information
- Information mailings for various sections and functions
- On-line service requests recorded for various departments
- Registering participants in events/courses for departments and feedback on specific issues

Current Services and Levels

Service Levels and Costs

- Total Calls in 2002 – 380,844
- Average Call Processing time – 3.21 minutes
- Operating budget – 2002 - $ 1,780,070
- Proposed operating budget 2003 - $ 1,712,780
- 28 FTEs – 1 Manager, 2 supervisors, 1 analyst, 1 Admin Clerk , 23 Customer Contact Centre reps

Services

- Current Services include:
- Informing residents about Council and Committee meeting schedules
- Provide seasonal information about recreation facilities hours of operation: spray pads, ski hills
- Provide locations of City facilities, parks, trails, cemeteries
- Provide payment options to callers re parking tickets, parking permits, taxes, etc
- Log bulk good and white good service requests
- Mail out Pre-authorized tax payment forms, applications for elderly tax credit
- Directing callers to influenza clinics, advising of services available on the Community Health bus, providing information on shelters in the community
- Advising of scheduled and unscheduled water shut off locations, reporting emergency watermain breaks to distribution
- Schedule participants in City workshops

Future Opportunities

- Many future improvements to the City's service delivery depend on or are facilitated by the Customer Contact Centre
    - Ability to log/track calls for service, and complaints and report statistically
    - Availability of live answer back-up to the automated directory upon implementation of the IP telephony system
    - Availability of live-answer back-up to future e-government on-line applications and information
    - Ability to access Language Line translators to assist callers in other languages – we believe this will grow over time
    - Ability for callers to call one number and be responded to with the first call, or if a transfer is necessary, with not more than one transfer
    - Ability to provide assistance to visitors to the City, particularly in times of major events
    - Ability to continue as a vital link in the City's communications plan during an emergency

- Impacts of IP Telephony
    - Experience is needed with the implementation to ascertain the final impact of the IP Telephony project ; call levels could increase if many customers zero out of the automated option into the Customer Contact Centre queue for assistance
    - The system is flexible enough to allow for additional queues to be established including the Municipal Service Centre staff and other department staff, if possible, and where necessary to assist with peak loads of calls
    - Municipal Service Centres have taken on work that allows them to set the work down and deal with the customers at the counter
    - Municipal Service Centre or counter staff anywhere would need to be able to stop addressing telephone customers to deal with counter customers as much as possible
    - Experience is required with IP telephony and the impacts on call loads at the Contact Centre to establish whether or not there will be an impact on the total staff complement of the 2 sections

- Possible partnerships/revenue generation
    - This has been explored in a preliminary way, with the consideration of handling some of the Police administrative calls, initial review of Mohawk College calls requirements, etc.
    - Some level of stability is required in the system, prior to pursuing external partnerships
    - After hours service to City of Hamilton replacing service contracts
    - Many external opportunities would want a 24/7 operation, which staff are exploring

- Logging/Tracking
  - The Customer Contact Centre and the optimum amount of consolidation of work there, is a necessary part of proceeding with logging and tracking of calls
  - Preliminary discussions have taken place with IT staff to review our existing systems in use and the possibilities of providing statistical reports to provide Councillors and staff with additional information tools for decision-making purposes
  - A process is being developed to ascertain our capabilities to commence some interim logging, tracking and reporting in advance of the completion of the implementation of IP telephony and the Customer Contact Centre improvements

Impacts of eliminating the Customer Contact Centre

- The call load does not disappear, and will grow if the customers have to seek out and call different numbers or be transferred multiple times to find the correct City contact
- Estimated minimum number of staff for a switchboard operation – 4.5
- No answers on the first call; callers transferred to departments for information
- Estimated number of staff to be added back into the operating departments – 25.7 FTEs (not including the 4.5 for switchboard for a total of 30.2)
- Waste – 8.7
- Tax – 6.0
- Other 11.0
- 30.2 does not include supervisory or support staff; it replaces the number of representatives required for answering customer phone calls that are currently being answered by 23 customer service representatives
- Additional work will not be completed as follows:
- Info@hamilton and taxsupport@hamilton.ca e-mails will not be responded to here
- No advice or assistance to departments with updating of the FAQs resulting in incorrect, untimely information being available for the staff and the public to use
- Mailing of information for departments in response to requests from the public would have to be handled by departmental staff – waste calendars, waste information re: leaf and yard stickers, recyclable items, organic waste collection pilot program, pre-authorized tax payments schedules and applications, payment confirmation for income tax, deferral of taxes for low income persons or low income disabled persons, etc.
- Registering courses and participants for events and seminars will need to be handled by departments – e.g. Social and Public Health seminars, Commuter Challenge, feedback on various public reports
- Alternate arrangements will need to be made for handling calls in an emergency, when the emergency plan is implemented

Strategic Commitments

- Customer Contact Centre provides quality community services, honouring community identity (Goal #2 – A Great City in which to Live)
- Customer Contact Centre provides a vehicle for communicating clearly and openly with residents about services and provides an accessible access point to services (Goal # 4 – A City Where People come First)
- Customer Contact Centre provides value in service delivery, including service quality, accessibility, and savings

(J. Lee - Jan.20/03)

SECTION 3

CITY WIDE IMPLICATIONS

3(a)

CITY OF HAMILTON

SOCIAL AND PUBLIC HEALTH SERVICES DEPARTMENT
Health Protection Branch

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Dr. Elizabeth Richardson Medical Officer of Health
Date:	February 18, 2003	**Prepared by:**	Susan Harding-Cruz 546-3576

SUBJECT: West Nile Virus (WNV) Prevention and Control for the 2003 Season - SPH03003 (City Wide Implications)

RECOMMENDATION:

(a) That Council endorse the proposed 2003 Prevention and Control Plan that includes an Integrated Pest Management (IPM) protocol for the control of West Nile Virus, which includes larviciding (killing developing mosquitoes in standing water) in selected storm water catchbasins and potentially some surface waters, as outlined in this report;

(b) That Council approve a budget of $550,000 to implement the IPM Protocol's larviciding component for vector control;

(c) That the appropriate City Officials be authorized and directed to take the necessary action for West Nile Virus control recommended in this report;

(d) That Council direct the Transportation, Operations and Environment Department to bring forward a report of the budget impact for standing water management on public lands within TOE's control; and

(e) That Council request the Ministry of Health and Long-Term Care to cost share 50% the IPM larviciding program.

Elizabeth Richardson
Medical Officer of Health
Social & Public Health Services

EXECUTIVE SUMMARY:

As of February 3, 2003, the number of cases of serious West Nile virus illness that occurred in Hamilton during the summer and fall of 2002 stands at 6 confirmed and 3 probable human cases. Testing continues so additional cases may continue to be added. Many health units in the Greater Toronto Area and the Golden Horseshoe experienced a similar or higher number of human cases (see Appendix A: Human Case Summary- Ontario 2002). Nineteen crows and six mosquito pools in Hamilton were also positive for the virus in 2002.

Serious WNV disease in humans in Hamilton and Ontario occurred and was not confined solely to elderly people with pre-existing medical conditions. Some cases have required hospitalization and the disease has caused prolonged fatigue, muscle weakness, disability and substantial or indefinite recuperation time. Recently reported figures suggest that, on the whole, one in every 150 WNV infections can result in severe neurologic illness and/or death.

As discussed in the Legal Implications section, the City of Hamilton has a statutory legal responsibility under the *Health Protection and Promotion Act* to carry out duties related to West Nile virus disease surveillance and control.

Using the 2003 draft Canadian National Guidelines for Response to West Nile virus as a guide, where Hamilton reached a Level 3 Risk Category in 2002, together with Toronto's Protocol for the Control of Mosquito Larvae to Prevent and Control West Nile virus, it is recommended that:

Disease control activities be expanded to include a larviciding program (chemical and/or biological control of developing mosquitoes in water)

- Planning and preparing for larviciding be undertaken to reach a target start date of June to larvicide public lands in selected catchbasins and potentially some surface waters. (Catchbasins on private lands are not included.)
- Methoprene (a chemical larvicide) be used in catchbasins; Bti (a biological larvicide) be used in surface waters
- If larviciding, together with other Integrated Pest Management strategies, are unsuccessful, adulticiding be considered as an emergency option for control.

Supplementing the yearly educational and source reduction measures with the selective use of larvicides balances the risks of human illness from WNV with environmental and health concerns from the use of pesticides. To not use larvicides when warranted could leave Hamilton with greater risks to humans from increased viral activity or potential adverse effects to the environment should adulticiding be necessary.

Several departments within the City have key roles to play in ensuring the smooth deployment of a larviciding plan. Transportation, Operations and Environment will play a major role in assisting with an inventory and control (regrading, draining or identifying potential areas for larval monitoring) of standing water on lands under their control. Community Services, Risk Management, Communications and others will assist with enforcement issues, tendering and an awareness campaign for the public, and other tasks. All Departments that have a role will require direction from Council to assist with in-kind resources so that the June target date can be met.

BACKGROUND:

Hamilton, like other Ontario municipalities, is experiencing the emergence of a new disease. West Nile virus is now a reportable disease in Ontario. When diseases emerge, Public Health is legally required to monitor and respond. Other environmentally-spread diseases that public health has been or continues to be involved in include Rabies (animal bite), Lyme Disease (tick bite), Hantavirus (carried by mice) and St. Louis Encephalitis (mosquito bite- outbreaks in late 1970's in Ontario). The work involved with these diseases is all cost-shared between the province and city.

Since 2000, when Hamilton first monitored West Nile virus, SPHS has used Health Canada National WNV Guidelines as a framework for the development of our local responses. The Guidelines were developed in order to:

(a) Minimize human disease
(b) Provide a graded response based on an assessment of the specific risks within our jurisdiction; and
(c) Minimize environmental impacts.

SPHS efforts focused on surveillance, public education and enhanced communication with health professionals in 2001 and 2002. Hamilton and other jurisdictions have seen the number and reach of human cases of WNV expand in 2002.

Given the level of human, bird and mosquito WNV infection in Hamilton in 2002, the experience in other jurisdictions, the Canadian guidelines and Centres for Disease Control (US) guidelines for West Nile virus control, a larviciding program is now recommended for 2003 in addition to the control and surveillance measure conducted in 2002. The recent budget approval of $145,000 will be matched by the province. It covers the costs of planning and surveillance through staffing costs and supplies. The $550,000 for larviciding does not require additional public health staffing requirements but instead covers the acquisition of pesticide and the costs for contracting a pest control company.

The larviciding program does not involve spraying insecticides into the air, but rather preventing larvae from hatching into adult mosquitoes. The principal vector of WNV- the common *Culex pipiens* mosquito – would be targeted. The recommended approach is outlined in the 2003 Prevention and Control Plan and Protocol for Control of Mosquito Larvae (see Appendix B). The pesticide application component focuses on applying methoprene to selected public land catchbasins twice in the season and Bti to surface waters, if and when warranted. Private lands are not included in the larviciding plan for this season.

June is considered the most appropriate time for first application of larvicide in order to achieve effective control of developing mosquitoes. In order to ready itself for this process, the City of Hamilton must initiate several activities immediately, including:

- Identification of standing water areas, including locations of catchbasins
- Identification of overlapping areas of mosquito breeding sites, dead bird sightings, and densely populated human areas
- tendering for a suitably qualified pest control company
- hiring qualified students and/or consultants for larval and adult mosquito monitoring and testing
- procurement of a pesticides application permit via the Ministry of Environment (MOE) application process
- acquisition of pesticide from the United States.

Departments have met and work groups have been established to begin planning the larviciding process.

In addition to the above, SPHS, together with other City staff, will enhance ongoing activities by:

- Drafting a standing water by-law with Building and Licensing for enforcement of standing water on private lands;
- Investigating with Public Works the possibility of a "West Nile virus spring clean up day" special bulk item pick up; and
- Investigating within the Department how best to evaluate components of the West Nile virus program.

Achieving an effective control program this season is a time sensitive issue. There will be consequences if the June deadline is missed, as such a delay will result in fewer opportunities for larviciding in the 2003 season and an increased risk for the necessity of an adulticiding intervention later in the season.

A key component of the larviciding plan will be the acquisition of a pesticides application permit from the Ministry of the Environment (MOE). In order to have a successful application, an agency must include several pieces of surveillance data and outline a clear scope of action. It has been suggested that the permit application process could create significant delay in the commencement of WNV control activities for several Ontario Public Health Units. Discussions with the MOE to clarify the exact requirements for a permit are ongoing.

A group of Health Units, mainly Central East Health Units (Toronto, Durham, Peel, Simcoe, York Region) are developing a guidance document for Health Units on larviciding. New York City's evaluation of its mosquito control program is due in late February. The Ministry of Health and Long-Term Care's guidance document is also expected in February or early March. All of the above documents will be reviewed and incorporated as appropriate into the 2003 Plan so that the best recommendations are considered for ongoing control of the disease.

Although planned, larviciding is only one component of mosquito control. SPHS recommends that the mosquito control program encompasses IPM- an Integrated Pest Management approach. As described in Toronto's proposed protocol for mosquito control,

"An integrated pest management (IPM) program uses a number of different approaches to control target pests in order to minimize the use of pesticides. Preference is given to non-chemical and biological control with chemical pesticides only used as a last resort."

To achieve a successful IPM program, the following framework is necessary:

Integrated Pest Management (IPM) Framework for WNV

Priority	IPM Component	Examples
Tier 1 • Tier level in 2000, 2001, 2002. Activities to occur each year WN is present.	Environmental Management & Public Education	• Mapping of standing water (potential breeding sites) • Source reduction by environmental modifications • Surveillance and monitoring of WNV activity • Personal precautions, mosquito avoidance
Tier 2 • Current Tier level for Hamilton for the 2003 season. Human cases are anticipated so additional controls should occur	Larval Mosquito Control	a) Non-chemical methods • Introduction of natural enemies if proven ecologically harmless (e.g. fish in sensitive wetlands) • Cleaning of catch basins
		b) Lowest Impact Larvicides Bacterial agents (e.g. Bti) Chemical agents (e.g. Methoprene)
Tier 3 • Potential Tier level in 2003 should Tier 1 and 2 level measures be unsuccessful	Adult Mosquito Control	Adulticides e.g. Malathion

Selection of the Appropriate Control Strategies:

Tier 1 strategies are the first line of defence and are used if there is the potential for WNV to be transmitted to humans. It is implemented when WNV has been detected in sentinel species such as crows and/or detected in neighbouring jurisdictions. Tier 1 strategies were used in 2002 and will continue to be used throughout the 2003 WNV season.

Tier 2 strategies are considered when the risk of WNV related disease in humans is known to occur. Given that there were human cases of WNV in Hamilton in 2002, the risk of human disease from WNV in 2003 is considered significant. SPHS is therefore recommending that Tier 2 strategies be used to control mosquitoes during the 2003 WNV season. Within Tier 2, two options for intervention have been identified. SPHS will give preference to the option that is most effective and is of lowest risk to the environment.

Tier 3 control measures are the least desirable because of the potential of adverse effects to the environment. Thus, they will only be considered when Tier 1 and Tier 2 efforts have not been successful in reducing the risk to human health from WNV, and if there were large numbers of infected birds, mosquitoes and/or humans. A successful larvicide program should significantly decrease the need for more aggressive control measures such as adulticiding. No decisions on the control of adult mosquitoes will be made without ongoing consultation with Medical Officers of Health of other health units facing similar WNV-related risks, the Chief Medical Officer of Health for Ontario, and the appropriate provincial ministries. Specific details are still under discussion and will be reported to Council in Spring 2003.

ANALYSIS OF ALTERNATIVES:

Given the rapidity with which the incidence of West Nile virus is expanding, and the implications for the health of the public, a targeted larviciding program is recommended at this time. Supplementing the yearly educational and source reduction measures with the selective use of larvicides balances the risks of human illness from WNV with environmental concerns from the use of pesticides. To not use larvicides when warranted could leave Hamilton with greater risks to humans from increased viral activity or potential adverse effects to the environment should adulticiding be necessary later in the summer. As well, a program that relies largely on adulticiding likely will be more costly than the recommended proactive approach and is likely to be viewed more negatively by the public. Should Council elect not to proceed with a larviciding program for Hamilton at this time, surveillance for West Nile in mosquitoes, birds and humans will in any case continue.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial

Although the Ministry of Health and Long-Term Care will provide a guidance plan in early spring, it is likely that some questions regarding the West Nile virus planning and control for 2003 will remain.

Further, the Ministry of Health and Long-Term Care has requested the Hamilton Social and Public Health Services plan for WNV control during the 2003 season, including expected costs. It is likely that the Ministry will approve all costs for surveillance, public education, and human case monitoring which would then be cost-shared between the City and the Province. These costs were outlined in the budget enhancement already approved by Council. However the additional costs for larviciding outlined in this report and/or adulticiding (if necessary) may not be covered by the province, in which case those costs will be borne by the City. As well, it is yet to be confirmed whether the Ministry will cover some or all of the costs associated with viral testing of crows, adult mosquitoes and developing mosquitoes. Depending on the decisions made, each Health Unit may be left with the responsibility, and costs, of providing this testing. Thus the proposed cost of $550,000 for the larviciding program is presented as a 100% cost to the City at this time with a recommendation to request 50% funding from the province.

West Nile virus is a disease that continues to emerge and will in all likelihood require an ongoing budget to support surveillance and control, including provisions for larviciding and emergency adulticiding.

Legal

Legal Services and Risk Management have provided the opinion that the City of Hamilton has a legal 'duty of care' to provide West Nile virus programming. As conditions fostering the spread of the disease can be defined as a "health hazard" under the Health Protection and Promotion Act (HPPA) and because encephalitis, a serious condition that can occur with West Nile virus, is also a reportable disease under this same Act and its regulations, Social and Public Health Services Department , as agents of the City of Hamilton, has a statutory legal responsibility to carry out duties related to West Nile virus disease surveillance and control. If the City does not take reasonable measures to meet these responsibilities, then it will likely have difficulties defending its lack of response if faced with legal proceedings.

As a legal duty of care already exists, the City of Hamilton must decide through policy and operational decisions, how best to meet the responsibility of providing a West Nile virus program.

The Medical Officer of Health (MOH) also has the responsibility to monitor health hazards in her jurisdiction in order to prevent, eliminate and decrease the effects of health hazards. Under section 13 of the *Health Protection and Promotion Act*, the MOH may make orders to decrease the effect of or eliminate a health hazard. If, during the course of 2003, the risk of WNV increases and the City has not adopted measures that the MOH feels are necessary to protect human health, then an order could be issued to take those measures.

POLICIES AFFECTING PROPOSAL:

MOE permit applications for larviciding could be denied or require revision before being approved. If denied, or if extensive delays occur, larviciding at the ideal time may not occur, leaving fewer options for optimal control of the WNV.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

City Departments	Ontario	Other Provinces and Canada	United States
-Water & Wastewater -Construction & Design -Public Works -Long Range Planning -Building and Licensing -Cemeteries -Parks -Purchasing -Legal -Risk Management -GIS/IT Services -Corporate Communications	-Central West and Central East health units -Ontario Vector Control Association -Ministry of Health and Long-Term Care -Ministry of Environment -Brock University -University of Toronto -Canadian Cooperative Wildlife Health Centre -Pesticide applicator companies -Pesticide producers	-City of Edmonton -City of Winnipeg -Health Canada	-New York City -Chicago

All of the above agencies have been contacted to assist with the preparation of this report. As a continuing step, school boards, conservation authorities, CN Rail, Hamilton Hydro, and Hamilton Port Authority will be contacted to discuss how standing water on their lands can be monitored and controlled.

CITY STRATEGIC COMMITMENT:

(Vision 2020, adopted by Regional Council as its vision for the future of Hamilton-Wentworth and endorsed by the Transition Board as the basis of a vision for the "New" City of Hamilton, embodies the concept of a sustainable community which is an equal balance of the economy, the environment, and social/health factors in all municipal decision-making.)

The recommendations outlined in this report fit with Council's strategic goal of a Healthy Safe and Green City. The proposed actions contribute to Council meeting its statutory health obligations and strive to achieve a balance between the risks of human illness from WNV and environmental concerns from the use of pesticides.

Appendix A

Human Case Summary – Ontario 2002

	REGION	PROBABLE	CONFIRMED
1	Brant	0	1
2	Bruce-Grey	0	1
3	Chatham-Kent 1	3	0
4	Durham	3	0
5	Haldimand-Norfolk	2	1
6	Halton	29	30
7	**Hamilton**	**6**	**3**
8	Lambton	1	1
9	Middlesex-London	6	2
10	Niagara	11	7
11	Peel	31	19
12	Perth	1	0
13	**Toronto**	**87**	**62**
14	Waterloo	2	1
15	Windsor	19	18
16	York Region	9	2
	ONTARIO TOTAL	**210**	**148**

Appendix B

2003 Prevention and Control Plan- Abridged

Introduction

This plan includes an outline of a generic protocol to be used by SPHS in making decisions regarding the control of mosquitoes in the City, with the goal of reducing the risk of human illness due to WNV while minimizing the use of pesticides. The plan and protocol are based on the 2003 draft Canadian National Guidelines for Response to West Nile Virus and Toronto Public Health's draft Protocol for the Control of Mosquito Larvae to Prevent and Control West Nile Virus.

To prevent or reduce human cases of WNV in Hamilton in 2003, efforts must focus on mosquito control measures in addition to the now routine program strategies of:

- surveillance (human, dead bird, adult mosquito and mammals)
- public education (personal protection and avoidance measures)
- public education to reduce standing water on public and private lands
- communication with health professionals regarding human case definitions

Hamilton has focused on these areas since 2000 when public health units became involved in West Nile virus disease surveillance. These activities have occurred and will continue in accordance with the risk category classifications as outlined in the National Guidelines:

Risk 0	**No West Nile activity known and unlikely. No strategies required.** • Hamilton was in this Risk category in 1999 and prior.
Risk 1	**No West Nile activity discovered but activity is possible.** • Hamilton was in this category early in 2000. Surveillance conducted for the virus for humans, birds and adult mosquitoes.
Risk 2a	**WNV activity in humans, birds, mosquitoes or mammals in year prior in jurisdiction or nearby or in the United States in the current year.** • Hamilton was in this category until late 2001 when four positive crows were found in Hamilton. Surveillance occurred for birds, mosquitoes and humans. Communication to the public for bite avoidance, personal protection measures and steps to remove standing water occurred.
Risk 2b	**West Nile virus in bird, mosquito or mammal in jurisdiction in the current year.** • Hamilton was at this level late in 2001 and early in 2002 as birds and mosquitoes were positive for WNV. Surveillance activities, public education and awareness campaign were expanded.
Risk 3	**West Nile virus found in humans in jurisdiction.** • Hamilton reached risk category three in 2002 with the detection of human cases within Hamilton's jurisdiction. Planning for mosquito control activities for 2003 began late in 2002 and included an Integrated Pest Management approach to controlling the disease. The IPM protocol contains options for environmental management, a communication component and options for larviciding.

Currently Hamilton has returned to risk category 2a until surveillance activities resume and the virus is again detected in this jurisdiction. If and when human cases occur in 2003, Hamilton will rise again to risk category three.

There remain many unanswered questions that make it difficult to predict the future prevalence of WNV-related disease in humans. New data on WNV regarding its rate of spread, modes of transmission, and the effectiveness of control measures emerges continually. The proposed WNV program for 2003 is based on the most recent information available. Supplementing educational and source reduction measures with the selective use of larvicides balances the risks of human illness from WNV with environmental concerns from the use of pesticides. Whether additional control measures are needed to reduce the human health risk cannot be predicted at this time.

While the overall population risk of serious illness remains low, Hamilton must prepare for the possibility of substantial human illness in 2003 and beyond. Because certain species of mosquitoes are the key transmitters of WNV to humans, efforts to control viral transmission are best aimed at these mosquitoes. Hamilton deems it prudent therefore, and in keeping with the experience and response of other jurisdictions, to take steps to enhance its mosquito control activities to reduce human exposure to WNV in Hamilton for the 2003 season. This is based on mosquito and bird surveillance data from the 2002 season, that is, data on human illness, the presence of positive mosquito pools, positive birds in Hamilton, and the presence of mosquito larvae in stormwater catch basins in neighbouring health units.

The areas of control through larviciding will concentrate on selected catchbasins and potentially some surface waters. Methoprene is the larvicide of choice for the catchbasins; Bti (*Bacillus thuringiensas* var. *israelensis*) for surface waters.

IPM Protocol for the Control of Mosquitoes to Prevent and Control WNV

This protocol gives guidance for the application of pesticides and is based on an integrated pest management (IPM) approach that incorporates a range of measures in order to minimize impacts on human health and the environment. This protocol will guide decisions on the use of pesticides to control mosquitoes in the City of Hamilton.

The City of Toronto developed this draft protocol in consultation with public health units, Health Canada, the Ontario Ministry of the Environment (MOE) and the Ontario Ministry of Health and Long Term Care (MOHLTC). Since pesticides applied in catch basins may also reach natural bodies of water, the Ontario Ministry of Natural Resources (MNR) will also be consulted as needed. Hamilton was recently added as a participant in the Central East WNV Task Group, comprised of representatives of public health units in and around the Central East region of Ontario. This group has been meeting regularly to develop and evaluate a co-ordinated local public health response to WNV.

Research data and information from other jurisdictions across North America show that storm water catch basins are important breeding grounds for mosquitoes in urban areas, in particular for *Culex pipiens*, the main mosquito involved in the transmission and amplification cycle for WNV. Sampling done in 2002 confirmed that catch basins in Toronto and other Southern Ontario districts are breeding areas for mosquitoes. Catchbasin larval sampling will occur in Hamilton this season.

SPHS proposes the adoption of IPM principles for the WNV program, using a tiered approach to mosquito control. This places first emphasis on preventative approaches that have the least negative impact on human health and the environment, followed by additional methods that are applied only if the initial efforts do not sufficiently reduce mosquito populations. Hamilton wishes to adopt Toronto's approach, where, based on the Canadian National Guidelines, a 3-tier framework is used to guide decision-making on mosquito control for WNV risk management.

Integrated Pest Management (IPM) Framework for WNV

Priority	**IPM Component**	**Examples**
Tier 1 • Tier level in 2000, 2001, 2002. Activities to occur each year WN is present.	Environmental Management & Public Education (See Attachment #1)	• Source reduction by environmental modifications • Surveillance and monitoring of WNV activity • Personal precautions, mosquito avoidance
Tier 2 • Current Tier level for Hamilton for the 2003 season. Human cases are anticipated so additional controls should occur	Larval Mosquito Control (See Attachment #1)	a) Non-chemical methods • Introduction of natural enemies only if not harmful to the natural ecosystem (e.g. fish in sensitive wetlands) • Cleaning of catch basins
		b) Lowest Impact Larvicides Bacterial agents (e.g. Bti) Chemical agents (e.g. Methoprene)
Tier 3 • Potential Tier level in 2003 should Tier 1 and 2 level measures be unsuccessful	Adult Mosquito Control	Adulticides e.g. Malathion

Tier 1:

The IPM framework emphasizes preventive measures. Surveillance and monitoring activities are undertaken to guide decision-making on the adoption of additional control measures. Educational programs encourage the reduction of mosquito breeding habitats, the adoption of personal protection and mosquito avoidance measures. Tier 1 strategies are the basic tools that are implemented throughout the season even when additional strategies from other tiers are adopted.

Tier 2:

In this framework, Tier 2 strategies aim at reducing mosquito numbers by controlling larvae. Tier 2 strategies are used only when the risk of human disease from WNV is likely and when Tier 1 activities have not reduced mosquito populations sufficiently to address the risk.

Tier 2 identifies three types of interventions: (a) mechanical methods or natural predators; (b) larvicides with the lowest negative impact on the environment; and (c) other larvicides. When available and effective, natural, physical, and mechanical control methods, such as the use of predators or cleaning of catch basins, are generally preferred to other interventions. If these are not available or suitable, or are not capable of sufficiently reducing mosquito populations on their own, then the next preferred choice is use of a larvicide that has the lowest toxicity to humans (primarily an occupational concern) and is most specific to mosquitoes. Finally, there are other pesticides that may be more effective, but may also have greater negative impact on the environment. These may be considered in a situation when other products are not available or effective or if the use of these larvicides would help avoid the need for Tier 3 interventions.

There are a number of biological control mechanisms that capitalize on the natural predators of mosquitoes in the wild. However, experts emphasize that while biological and environmental control methods can be important aspects of any integrated strategy for abatement of mosquitoes, they will rarely function as the sole method of control. (See Attachment 2). The ability of mosquito populations to adapt rapidly to different natural phenomena means that natural control methods are less effective and less predictable than other control methods, particularly in complex environments. In addition, in most cases, there is insufficient information from field studies to determine whether different biological control methods will be sufficiently effective to reduce disease transmission. Finally, the introduction of species that are alien to a particular ecosystem should be done only with the most careful and thorough consideration of possible negative consequences.

Tier 3:

Tier 3 control uses pesticides applied by air or through the use of ultra-low volume sprayers over large areas to control adult mosquitoes. The use of adulticides poses a higher risk to the environment than do larvicides and from the public's perception of risk is the least desirable. The best way to minimize the use of adulticides is to implement Tier 1 and Tier 2 strategies. Thus adulticides will only be considered if Tier 1 and Tier 2 efforts have not been successful in reducing the risk to human health from WNV.

The following section outlines the steps that SPHS would undertake, as found in the IPM framework:

Tier 1:

(1) Surveillance and monitoring: Routine monitoring of dead birds, adult and larval mosquito surveillance, human surveillance, WNV testing in bird, mosquitoes and humans.

(2) If there is the potential for WNV to be transmitted to humans, Tier 1 strategies are the first line of defence. These are implemented when WNV has been detected in sentinel species such as crows and/or WNV has been detected in a neighbouring jurisdiction during the current or previous year. If surveillance data does not indicate a risk, then routine monitoring continues.

(3) Tier 1 activities are implemented. These include the following:

(a) Enhanced surveillance and monitoring: monitoring of dead birds, adult and larval mosquito surveillance, human surveillance, WNV testing in bird, mosquitoes and humans. Areas where mosquito species of greatest concern in the WNV transmission cycle help identify the type of breeding ground of most concern. Mosquito surveillance data, which includes larval dipping, survey of potential breeding sites, reports of standing water, and adult mosquito surveillance data, guide the selection of areas that may need mosquito control.

(b) Environmental management methods: measures such as removal of standing water in artificial containers (e.g., eaves troughs, debris, awnings), improved drainage, exchanging water in birds baths.

(c) Personal protective measures: installation and repair of mosquito screens, avoidance of areas with large numbers of mosquitoes, use of mosquito repellents, and use of long sleeves and long pants.

(d) Education: activities undertaken to encourage the adoption of the above environmental management and personal protective measures as well as promote co-operation with surveillance activities such as reporting of human illness, dead birds, standing water or other mosquito breeding sites. Selection of areas for mosquito control (Step 6):

(4) If the surveillance data in (3) above confirms that a risk of human illness exists in Hamilton, then mosquito control activities are enhanced to Tier 2 (Step 5), otherwise Tier 1 activities continue (Step 3). If data suggests that there is no longer a risk of WNV then emphasis is placed on surveillance and monitoring activities (Step 1)

(5) Consider the adoption of Tier 2 methods to control mosquitoes

Tier 2:

Within Tier 2, two options for intervention have been identified. Using IPM principles, SPHS will give preference to the option that is effective and is of lowest risk to the environment and to humans in terms of occupational exposures or exposures to sensitive individuals. Tier 1 activities continue even with the adoption of Tier 2 methods. Tier 2 outlines the criteria used in the selection of the additional control strategies.

(6) Using data from the surveillance and monitoring, and taking into consideration the experience form other areas in controlling the risk to human health from WNV, identify areas where mosquitoes need to be controlled.

(7) Information on possible natural predators or physical or mechanical methods is evaluated to identify the ones applicable to the specific types of breeding sites. (Examples of physical or mechanical methods include vacuuming or flushing of catch basins, or alteration of water levels in non-ecologically sensitive wet areas.) SPHS will involve appropriate other City departments and stakeholders in the assessment of methods. When choosing a method to control larvae, first consideration is given to the use of mechanical, predators and/or other non-pesticide approaches. If the review indicates that such alternatives are available which are effective, feasible and would not result in adverse or undesirable environmental consequences, then preference is given to these approaches (Step 8). If the review indicates that non-pesticide options are either not available, not feasible, or could result in undesirable environmental consequences, then the use of larvicides is evaluated (Step 11).

(8) City Councillors and the public are advised of the choice of control measures and the selected method of control (natural / mechanical) is implemented.

(9) Using the data from mosquito surveillance, human population densities, and expected cost-effectiveness, the schedules and geographical area for control are determined. Monitoring is also undertaken to assess the effectiveness of the measures adopted. To the extent that it is possible, SPHS and other partners as appropriate will assess any potential environmental impacts.

(10) If non-pesticide methods are effective, then mosquito control monitoring will continue to ensure that mosquito populations remain low (Step 9). If monitoring suggests that these methods do not reduce mosquito populations sufficiently, then consideration will be given to supplementing these using larvicides (Step 11). If these efforts are not effective, they will be discontinued and other methods considered (Step 11).

(11) If alternative methods are not available or do not reduce mosquito populations sufficiently, then consideration is given to the application of larvicides. The following factors are considered when selecting a larvicide:

(a) Available products: Not all products that have been shown to be effective to control mosquitoes are registered for use in Canada. Products that are currently registered for use in Canada and classified in Ontario will be chosen.

(b) Human toxicity: Preference will given to products that have been recently reviewed and are the least likely to pose a poisoning hazard to humans (primarily an occupational concern) and are not known or suspected to cause adverse long-term health impacts such as cancer, birth defects, nervous system disorders.

(c) Environmental impacts: Preference will be given to products that have been recently reviewed and are shown to be least persistent in the environment and least likely to have an adverse effect in the environment (wildlife, birds, fish, other aquatic organisms, other non-target species)

(d) Efficacy: Different species of mosquitoes have varying susceptibility to specific pesticides. Residual activity of the formulation can also impact the efficacy of a certain product. Preference will be given to products that are of low human and environmental toxicity (as determined in b) and c) above), have sufficient residual activity, and are the most effective for the targeted species.

(e) Resistance: The continual use of the same pesticide over large areas and for multiple years can build resistance in the target species. Preference will be given to products that are least likely to build resistance and products will be rotated as needed to limit any build-up of resistance.

(f) Location: Consideration will be given to the type of breeding site that is targeted, for example natural habitat or catch basin. Not only does the type of habitat determine the species of mosquitoes present (see d) above), it also has an impact on the choice of application method and potential adverse effect on non-target organisms and the environment. Preference will be given to products that are most effective and easily applied and that are the least likely to cause adverse effects on human health or the environment.

(g) Logistics and feasibility: Such factors such as the number of times a product would need to be applied, the method of application, permit requirements, timelines, and the need for special measures have an impact on the feasibility of using a certain product. Preference will be given to products that have the lowest potential of adverse effects to human health and the environment, but if two products have similar impacts, then the product that is the most easily applied will be favoured.

(h) Cost of product and application: The cost of various available products, including the cost of application, will be considered. Preference will be given to products that have the lowest potential for adverse effects to human health and the environment, but if two products have similar impacts, then the lower cost of these will be favoured.

Using these considerations, the pesticide (larvicide) that has the lowest negative impact on health and the environment and that can effectively control mosquitoes in the location of concern (for example, catch basin or wetland) is chosen (Step 12). If there are no low-impact alternatives available, then other control options are considered (Step 16)

(12) Using the data from mosquito surveillance, the schedules and geographical area for the application of pesticides are determined. Adequate public notification is also part of the requirements for applying pesticides for mosquito control. This involves advising the public through newspaper or radio advertisements or other appropriate means at least 48 hours, but no more than 7 days, in advance of the nature of the treatment. SPHS will provide MOE with plans and copies of any proposed notification at least 7 days in advance of any pesticide application. Once the public notification plan is approved and the scheduling finalized, SPHS will advise Council, and specifically the councillors of the affected Wards of the specific plans in advance of public notification.

The implementation of the SPHS plan for mosquito control will take into account a number of factors, such as the following:

(a) Population peaks of mosquitoes during the season: The most important mosquito vectors for the transmission of WNV to humans in Hamilton are *Culex pipiens* and *Aedes vexans*. The peak number of adult *Culex pipiens* mosquitoes occurs in early August and the peak number of *Aedes vexans* occurs in mid August. In 2002, close to 40% of mosquitoes trapped in Hamilton were *Culex* species.

(b) Optimum time for mosquito control intervention: To reduce the peak numbers of *Culex pipiens* and *Aedes vexans*, the application of larvicides must be timed to occur prior to these peaks. The exact dates and areas to be treated are set according to the type of pesticide used, mosquito surveillance data and weather information.

(c) Nature of the habitat of the mosquitoes to be targeted: The pesticide used may differ depending on the type of habitat and the effectiveness of the product to control mosquitoes that breed in different habitats. Habitat may also influence the method and timing of application.

(d) Product application: If conditions are favourable, larvicides will be applied by a contracted pesticide applicator for the 2003 season. City staff could take on this role if Hamilton decides to build a sustainable infrastructure for mosquito control, a plan to consider for next year, depending on a cost-benefit analysis of the two options. Regardless of who performs the applications, application must follow provincially mandated and recommended guidelines that govern the approved use of pesticides. In addition, SPHS will write into the plan any additional safety measures that may be deemed necessary based on the advice of the City's occupational health and safety staff, conservation authorities and other appropriate stakeholders. Provision for an on-going evaluation of the application of larvicides in catch basins is part of a process of continuous quality assurance. The details are currently being determined in conjunction with the Central East WNV Task Group.

(13) Evaluation of effectiveness: An evaluation of the effectiveness of the mosquito control program will be carried out partly by the applicators themselves and/or by an auditing group comprised of full time specialized summer staff. The MOE recommends an evaluation of the number of larvae in a body of water pre- and post-pesticide application. This gives an immediate indication of whether the pesticide has effectively controlled the mosquito larvae.

A long-term assessment of a larviciding program's effectiveness in reducing mosquito populations would require a more thorough environmental study than the data obtained from pre- and post-application monitoring. The evaluation of ecological impacts and potential negative impacts on sensitive non-target species would also be desirable. However, the scale of this type of evaluation is beyond the expertise and resources of Hamilton and should be taken on by the province or the federal authorities.

SPHS will work with relevant City departments and local conservation authorities to assess any potential environmental impacts of applying larvicidal products to storm water catch basins, particularly where water from these basins flows directly into natural bodies of water.

(14) If mosquito monitoring data shows that the application of the larvicide has been effective, then monitoring is continued (Step 13). If it has not been effective, then the need to re-apply is considered (Step 14).

(15) If the evaluation determines that re-application of the pesticide is feasible and would likely be effective, then a decision is made to re-apply (Step 12). If not, further control measures are considered (Step 16)

(16) If low-impact pesticides are not available or have not been effective, then consideration is given to other areas where mosquitoes breed that may need to be controlled (Step 6).

(17) Tier 3 interventions are considered only when control of mosquito larvae is no longer an option to prevent human illness and the spread of WNV. Tier 3 protocols are being developed jointly with other health units in Ontario and in consultation with the Ontario Ministry of Health and Long-term Care and Health Canada.

Selection of the Appropriate Control Strategies:

Tier 1 strategies are the first line of defence and are used if there is the potential for WNV to be transmitted to humans. It is implemented when WNV has been detected in sentinel species such as crows and/or detected in neighbouring jurisdictions. Tier 1 strategies were used in 2002 and will continue to be used throughout the 2003 WNV season.

Tier 2 strategies are considered when the risk of WNV related disease in humans is known to occur. Given that there were human cases of WNV in Hamilton in 2002, the risk of human disease from WNV in 2003 is considered significant. SPHS is therefore recommending that Tier 2 strategies be considered to control mosquitoes during the 2003 WNV season. Within Tier 2, two options for intervention have been identified. SPHS will give preference to the option that is most effective and is of lowest risk to human health and the environment.

Tier 3 control measures are the least desirable because of the potential of adverse effects especially to the environment. Thus, they will only be considered when Tier 1 and Tier 2 efforts have not been successful in reducing the risk to human health from WNV. Specific details are still under discussion and will be reported to Council in Spring 2003.

Specific Considerations for Mosquito Control Measures:

(a) Nature of the Mosquito Habitat to be Targeted (Step 6)

There are many types of areas where mosquitoes breed. In Hamilton, mosquito-breeding areas exist in natural bodies of water and artificial or human-made collections of standing water. Natural bodies include lakes, ponds, and wetlands. Artificial collections of standing water where stagnant water may collect include containers (e.g. buckets, rain barrels, boxes), coverings (e.g. tarps, pool covers, awnings), and water management systems (e.g. retention ponds, storm water catch basins). A primary strategy to reduce the risk of WNV is to encourage residents and businesses in Hamilton to prevent mosquitoes breeding on their properties by addressing these breeding sites.

Natural areas require special consideration from the standpoint of preserving ecosystems. *Culex pipiens*, the mosquito that is the main vector of WNV, prefers to breed in small containers and areas such as stormwater catch basins. The application of pesticide products directly to natural water bodies and wetlands is not planned for 2003 because the associated extensive preparatory work has yet to be undertaken. Based on review of surveillance data in 2003, SPHS will consider whether or not the City's mosquito control efforts will need to be expanded to natural areas that are adjacent to populated urban areas in 2004. Should SPHS consider this necessary, City staff will consider IPM strategies when treating natural bodies of water and wetlands in the City, including the use of natural predators such as specialized fish. However, no chemical mosquito control interventions will be undertaken in these areas without an impact assessment and consultation with Council, other city departments, the appropriate provincial ministries, and other stakeholders, especially conservation authorities.

More information on the use of natural predators is found in Attachment 2.

Stormwater catch basins are designed with a well below the surface opening. This well collects sediments and other debris and helps smooth the flow of water during a rain event. Surveillance in Toronto, Halton, London and other health jurisdictions confirmed that storm water catch basins harbour mosquito larvae. Given that catch basins are important breeding grounds that are directly under the City's control, SPHS recommends larviciding selected catch basins (approximately 50,000 in the urban areas of the city) in 2003.

(b) Choice of Control Measures

(i) Environmental management (Step 7)

Various non-chemical methods have been considered (and some tested) for catch basins, including flushing, vacuuming and the injection of air or steam. Monitoring in 2002 in Toronto showed no long-term impact on the number of larvae, which returned to pre-cleaning levels after a few days. Catch basins would therefore need regular cleaning (every two weeks). This would be extremely labour intensive and require the acquisition of a large amount of new equipment.

The flushing of catch basins involves hosing water into the storm sewer system and thus replacing the water in them with fresh water, much as would happen after a heavy rain. This will disturb the larvae causing them to be washed away. However, this would also disturb the sediment that has accumulated in the wells, which can release pollutants into the storm sewer system and, in some cases, directly into streams and other bodies of water with no long-term impact on the number of larvae. In theory, regular flushing could reduce the number of larvae, however regular flushing would be required.

Some devices are being developed to control mosquitoes without the use of pesticides. For example, Larvasonic is a device that uses sound waves to kill larvae. This tool is in the process of being commercialized and has been tested in Quebec, although we have not independently ascertained its effectiveness. However, it is not well suited to use in Canadian style catch basins – each lid must be lifted which would greatly increase staffing requirements and associated costs.

A major disadvantage of these physical methods described above is that they do not have any residual action and must be used repeatedly to effectively reduce the number of larvae. SPHS will continue to explore these and other mechanical options so as to avoid discharge of chemical larvicides into natural watercourses.

(ii) Natural Predators (Step 7)

A recent review by Toronto Public Health demonstrated that the mosquito fish *Gambusia affinis* has been used successfully in some situations in the United States, but never in catch basins. No effective Canadian mosquito eating fish has yet been identified. Given that the *Gambusia* is not native to Canada, there are ecological risks to introducing this predator. In addition, given the low quality of water in catch basins it is unlikely that fish would survive long enough to effectively control mosquito larvae. As well, it is likely that the fish would be transported out of the catch basins after a rain, which would require regular restocking.

Although dragonfly larvae or naiads also eat mosquito larvae, there is no data on their suitability in catch basins. However, the low quality of water in catch basins is likely to limit the viability of the dragonfly naiads plus the fact that rains would wash them away.

(iii) Low-impact pesticides (Step 11)

In cases where non-pesticide alternatives are not able by themselves to sufficiently reduce mosquito populations, SPHS has considered supplementing these methods with the use of the lowest-impact pesticide available. The choice of product can be guided by the criteria listed within this document. Using these criteria, the Central East working group have determined that two pesticides are considered acceptable in terms of availability, efficacy, human health impact and environmental impact: *Bacillus thuringiensis* var. *israelensis* (Bti) and methoprene (see Attachment 3).

An IPM approach first considers if a natural product is available. Bti is a biological pesticide that has the fewest adverse impacts on human health and the environment compared to other pesticides. However, data suggest that it is less effective against *Culex pipiens* (the most common species found in catch basins) than other products. In addition, given that a long-lasting formulation is not available in Canada, Bti would need to be applied more often to effectively reduce the number of larvae. Another biological pesticide currently used in the United States is *Bacillus sphaericus*. It is more effective against *Culex pipiens*, however it is not registered for use in Canada.

Of the other products available in Canada, methoprene has very low toxicity for humans and has fewer potential adverse impacts on the environment than other pesticides. It is available in a longer-lasting formulation and is effective against *Culex pipiens*, thus making it suitable for controlling mosquitoes in catch basins. At this time, SPHS is not considering the use of other products to control mosquito larvae because of their higher potential for toxicity to humans (particularly occupational) and the environment. However, SPHS could consider the use of low-impact pesticides under Federal experimental-use permits as appropriate or others if and when they become available in Canada.

(c) Application of control measures (Steps 8 & 12)

Implementation of mosquito control measures will take into account a number of factors, such as the following:

(i) Population peaks of mosquitoes during the season
(ii) Optimum time for mosquito control intervention
(iii) Nature of the habitat of the mosquitoes to be targeted
(iv) Product applicators: availability, reliability, safe application and quality assurance
(v) Evaluation of effectiveness and environmental impact

(d) Communication (Steps 8 & 12)

The Pesticides Act requires that public notice be provided in advance of any application of pesticides in residential areas. A public communications plan must be submitted to the MOE for approval. Before any decision is made to apply pesticides, SPHS will consult with the Ministry and develop an appropriate communications strategy designed for maximum reach to all Hamilton residents. In addition to paid advertising, this strategy will make use of all available outlets and channels, including the City's web site and all public service announcement vehicles. Resources will also be made available in advance to the councillors of the appropriate wards to assist in responding to inquiries from residents.

(e) Evaluation (Steps 9 & 13)

Larval and adult mosquito surveillance will provide an indication of the immediate effectiveness of control. A long-term assessment of the effectiveness of the use of larvicides on mosquito populations would require a more thorough environmental study. An evaluation of the environmental impact of larviciding would be on a similarly large scale and is beyond the expertise and resources of SPHS. Discussions have occurred with McMaster Institute of Environment and Health for a potentially smaller scale evaluation.

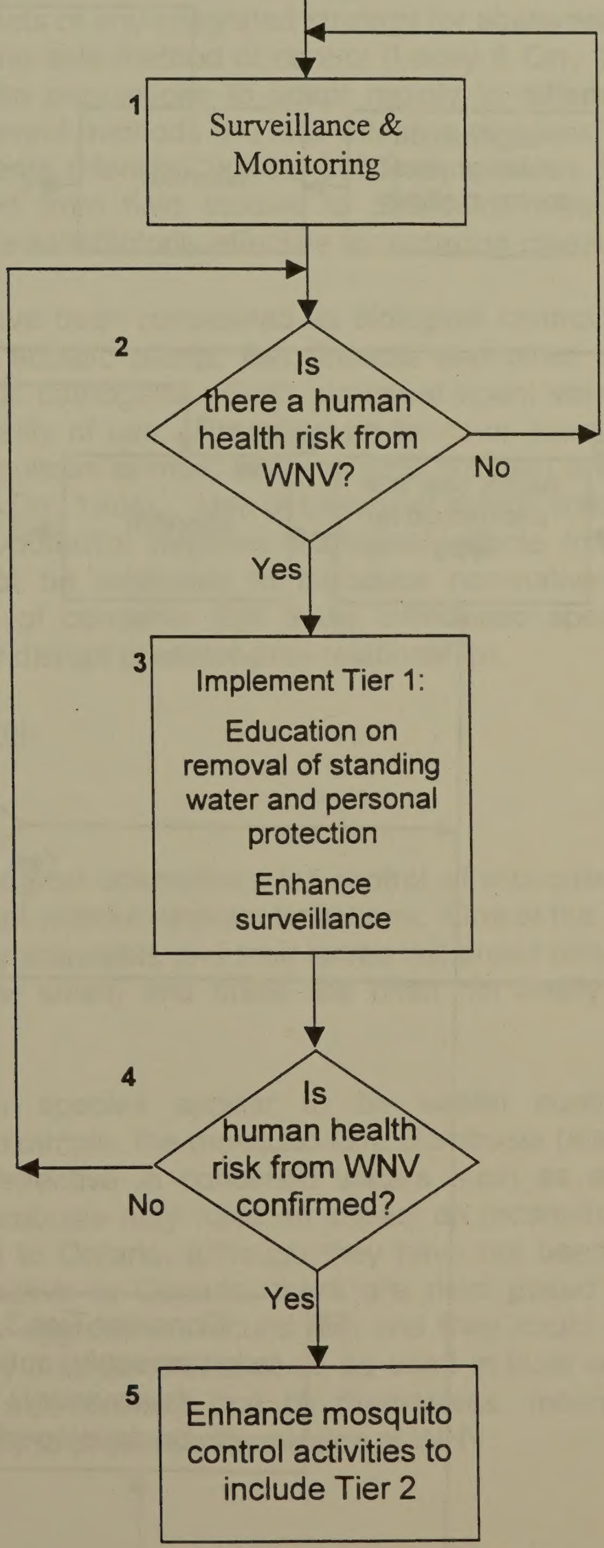
List of Attachments:

Attachment #1	Flow Charts for the Control of Mosquito Larvae to Prevent the Spread of WNV Using Integrated Pest Management Principles
Attachment #2	Alternative Methods of Mosquito Control
Attachment #3	Comparison between Bti and Methoprene

Attachment #1

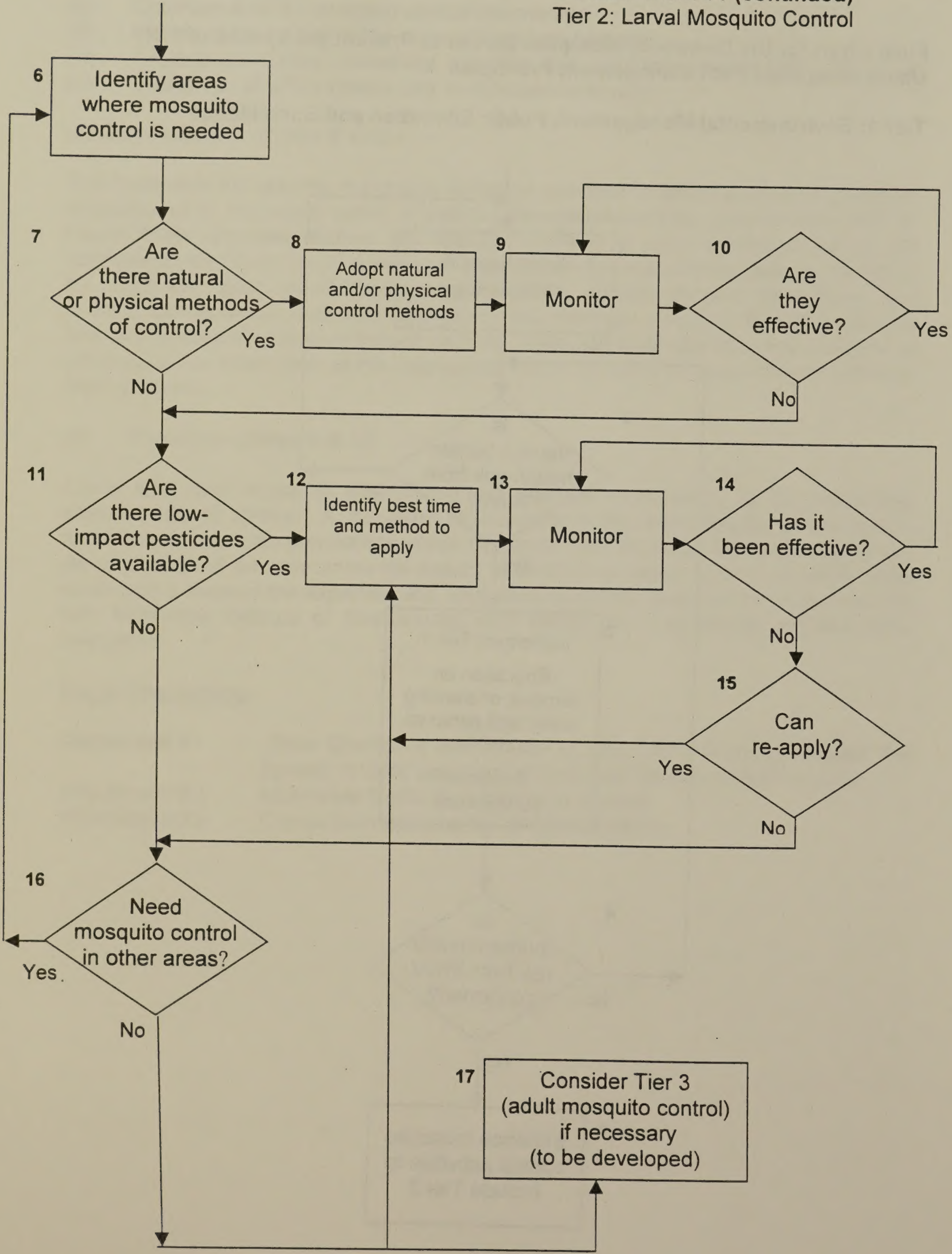
Flow Chart for the Control of Mosquito Larvae to Prevent the Spread of WNV Using Integrated Pest Management Principles

Tier 1: Environmental Management, Public Education and Surveillance


1
Surveillance & Monitoring
2
Is there a human health risk from WNV?
No
Yes
3
Implement Tier 1:
Education on removal of standing water and personal protection
Enhance surveillance
4
Is human health risk from WNV confirmed?
No
Yes
5
Enhance mosquito control activities to include Tier 2

Attachment #1 (continued)

Tier 2: Larval Mosquito Control


6
Identify areas where mosquito control is needed
7
Are there natural or physical methods of control?
Yes
No
8
Adopt natural and/or physical control methods
9
Monitor
10
Are they effective?
Yes
No
11
Are there low-impact pesticides available?
Yes
No
12
Identify best time and method to apply
13
Monitor
14
Has it been effective?
Yes
No
15
Can re-apply?
Yes
No
16
Need mosquito control in other areas?
Yes
No
17
Consider Tier 3 (adult mosquito control) if necessary (to be developed)

Attachment # 2

Alternative Methods of Mosquito Control

In terms of alternatives, research has identified a number of biological control mechanisms that capitalize on the natural predators of mosquitoes in the wild. However, experts emphasize that while biological and environmental control methods can be important aspects of any integrated strategy for abatement of mosquitoes, rarely will they function as the sole method of control (Lacey & Orr, 1994; NYCDOH, 2001). The ability of mosquito populations to adapt rapidly to different natural phenomena means that natural control methods are less effective and less predictable, particularly in complex environments (Health Canada, 2001). In addition, in most cases, there is insufficient information from field studies to determine whether different biological control methods will be satisfactorily effective for reducing disease transmission.

Several organisms have been considered as biological control agents for mosquitoes. They include certain aquatic plants, fish, insects and other invertebrate organisms, parasites and bacterial pathogens. Each biological agent varies in terms of efficacy, feasibility and practicality of use. Predation on larval or pupal stages (versus egg or adult stages) of mosquitoes is most likely to yield greatest effects on adult mosquito populations (Lacey & Orr, 1994). Use of biological control methods must also include consideration of the potential negative ecological effects from altering the species balance. It would not be advisable to introduce non-native species that prey on mosquitoes because of concerns that these introduced species might outcompete indigenous species or disrupt predator-prey relationships.

Larval mosquito control

Predators:

There are some biological alternatives for control of mosquitoes at the larval stage. However, these are not without inherent limitations. One of the major challenges is that mosquitoes are highly adaptable and their larvae will breed easily in temporary pools of water (no matter how small) and these are often not easily accessible in a timely manner.

Some predator fish species appear to be useful control agents in specific circumstances. For example, the mosquito fish, *Gambusia* (also known as the fathead minnow) has been effective in contained waters such as artificial and stormwater retention ponds. *Gambusia* may have an impact on mosquito populations and could probably be adapted to Ontario, although they have not been used here before. As *Gambusia* are not native to Canada, there are risks posed from their introduction. *Gambusia* are highly aggressive, fecund fish and they could out-compete native fish species. It is unlikely that *Gambusia* could be used in local wetlands or other natural waterways. It is also unlikely that by themselves, mosquito fish would control mosquitoes sufficiently to prevent transmission of WNV.

While dragonfly naiads (larvae) are known to feed on mosquito larvae from container breeding experiments, this is described as a highly labour-intensive and therefore costly larval control effort for field application (Lacey & Orr, 1994). There has been some research on other organisms and parasites; however, there is minimal research on their effectiveness in the Canadian climate and they do not seem to be commercially available in Canada.

Mechanical devices:

Various devices are being developed as alternatives to pesticides. For example, Larvasonic is a device that uses sound waves to kill larvae by destroying the swim bladder. This tool is in the process of being commercialized and has been tested in Quebec although we have not independently ascertained its effectivesness. However, it is not well-suited to use in Canadian style catch basins, as each lid must be lifted. As well, there is no residual activity, meaning that effective control needs repeated application, greatly increasing the need for labour.

Larvicidal oils or films:

Larvicidal oils or monomolecular films can be considered a physical method of controlling larvae. They work by creating a small film of oil on the surface of the water which then prevents larvae from breathing through the surface. These products work well where the film will not be destroyed by the movement of water, however they do have an impact on other aquatic life and are unaesthetic. Larvicidal oils are not currently registered for use in Canada.

Adult mosquito control

For control of adult mosquitoes the list of possible biological agents is short. Many organisms eat mosquitoes (e.g. bats, birds, dragonflies among others) but typically most would not lead to an appreciable control of adult populations. For a biological control agent to influence transmission of disease by mosquitoes, it should provide more than just partial control. Generally use of these predators alone is not very effective.

There is a longstanding misconception that purple martins are useful for mosquito control. Other studies have come to similar conclusions. Martins and mosquitoes are not active at the same time or same location: martins are active during the day and feed high in the sky, while mosquitoes stay low in damp places during the day, or only come out at night.

Dragonflies do eat mosquitoes, however they also are active during the day whereas mosquitoes are most active at dusk and dawn. In addition, dragonflies are normally resident in larger ponds and creeks that do not support large populations of mosquitoes; therefore one cannot rely on natural dragonfly populations to control mosquitoes to any large extent. Dragonflies have been used in some areas for nuisance mosquito control. Review of the efficacy of the use of dragonflies for mosquito control indicates that they do not result in sufficient adult mosquito mortality for controlling the spread of mosquito-borne disease (NYCDOH, 2001).

Bats are also natural mosquito predators. However, research indicates that their primary food items are larger insects such as beetles or moths (Anthony & Kunz, 1977; Whitaker, 1972). It is not clear whether the urban environment provides enough other insects to sustain an enhanced population of bats. Enhancing the existing population of bats is of potential concern since bats can carry rabies.

Physical or mechanical devices:

Mosquito magnets or mosquito traps emit CO_2 or other chemicals which attracts mosquitoes. A fan or vacuum then sucks mosquitoes into the trap once they hone in on the device. They appear to collect a lot of mosquitoes, but no one has shown that they effectively reduce the number of mosquitoes or the number of bites in a backyard setting. Most claims that electronic devices control mosquitoes are not bona fide. For example, bug zappers kill a lot of insects, including beneficial ones, but are not particularly effective against mosquitoes alone (Frick & Tallamy, 1996).

References:

Anthony, E.L.P. and T.H. Kunz. 1977. Feeding strategies of the little brown bat *Myotis lucifugus*, in southern New Hampshire. Ecology 58(4): 775-786.

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Health Canada. 2001. Municipal Mosquito Control Guidelines. Prepared by Roy Ellis, Prairie Pest Management. First revision May 2001.

Kale, H.W. 1968. The Relationship of Purple Martins to Mosquito Control. The Auk 85(4): 654-66, Reprinted in Purple Martin Update 2(3), 1990: 10-13.

Kerwin, J. L. 2002. Lagenidium giganteum. In Biological Control: A Guide to Natural Enemies in North America, edited by Weeden, C.R. et al. Accessed January 3, 2003 <http://www.nysaes.cornell.edu/ent/biocontrol/pathogens/lagenidium_giganteum.html>

Lacey, L.A. and Orr, B.K. (1994) The role of biological control of mosquitoes in integrated vector control. American Journal of Tropical Medicine and Hygiene 50(6) Suppl: 97-115.

NYCDOH. 2001. Alternatives (Chapter 3.U). Iin Adult Mosquito Control Programs: Final Environmental Impact Statement. New York City Department of Health, NY. Accessed November 27, 2002 <www.nyc.gov/html/doh/html/wnv/feis.html>.

Purple Martin Conservation Association. (n.d.) Attracting and Managing Purple Martins. Martin Biology. Accessed January 3, 2003 <http://purplemartin.org/main/mgt.html>.

Whitaker, J.O., Jr. 1972. Food habits of bats from Indiana. Can. J. Zoology 50(6): 877-883.

Attachment #3

Comparison between Bti and Methoprene

Of the larvicides currently registered for use in Canada, two are considered or low-impact pesticides: *Bacillus thuringiensis* var. *israelensis* (Bti) and methoprene. A short summary on the properties of methoprene, the pesticide that has been selected for use in catch basin in Hamilton in 2003, is provided below. Table 1 compares Bti and methoprene.

Methoprene

(a) Human Toxicity

Methoprene is a synthetic mosquito growth hormone, which is variously described as a biorational or biochemical pesticide. It controls mosquito populations by preventing the larvae from becoming adults. Methoprene is of low toxicity to people (U.S. EPA, 1991; PMRA, 2001). It has very low acute oral, dermal and inhalation toxicity potential and is not an eye or skin irritant, nor is it a human-skin sensitizer. Toxicological screening tests have not found any significant adverse toxicological effects. The necessary safety precautions, such as wearing gloves, will be taken to minimize exposure to the applicators. The use of methoprene in the City's catch basins is unlikely to pose an exposure risk to the general public.

(b) Environmental Impacts

Methoprene and other pesticides that are applied directly to water are classified as "Restricted" by the Pest Management Regulatory Agency (PMRA) and by the Ontario Pesticides Advisory Committee (OPAC). Because methoprene has a non-toxic mode of action, that is, it does not kill the larvae but prevents their maturation into adults, it has relatively low impact to the environment and is generally of low ecological toxicity. Methoprene breaks down quickly in water particularly in the presence of sunlight and microorganisms. Although it is non-persistent, water quality, salinity and temperature influence its level of activity. It is moderately to slightly toxic to some fish species. It is highly toxic to certain aquatic invertebrates (e.g. benthic organisms, which live at the bottom of a lake) however, effects observed were temporary and invertebrate populations have shown rapid recovery a short time after methoprene treatments. The above potential adverse effects are of limited concern given that SPHS is recommending that applications using methoprene for the year 2003 be restricted to storm water catch basins, and that between the natural break down of methoprene and the large dilution factors should it enter a receiving body of water, it would not be expected to impact a receiving body of water.

Methoprene is available in long-lasting formulations that make it more effective, but may have some impact on other insects and aquatic life. The potential for effects from application of larvicidal products to catch basins that flow directly into natural bodies of water (that is, the "yellow fish" catch basins) will be assessed prior to applications in these particular catch basins. SPHS will work with other City departments and local conservation authorities to assess any potential environmental impacts of applying larvicidal products to storm water catch basins, particularly where water from these basins flows directly into natural bodies of water.

Table 1 - Comparison Between Bti and Methoprene

Active Ingredient	Type & Mode of Action	Human toxicity	Ecological toxicity	Pros	Cons
-Bacillus thuringiensis var. Israelensis (Bti) -(Sold as Vectobac)	-Bacteria Contains protein crystals (delta endotoxin) that rupture digestive cells when ingested by larvae -Applied in granular or liquid form	-ACUTE: No human organ toxicity (high dosage) -CHRONIC: No known reproductive, teratogenic, mutagenic or carcinogenic effects	-Non-toxic to wildlife and organisms in sensitive areas -Can affect other insect species -Low persistence in water (binds to organic debris)	-Lowest ecological toxicity -Low risks for non-target species	-Less effective for control of *Culex* species (40% kill rate)∴ high doses needed -No slow release formulations ∴ requires more frequent applications (8 to 10 per season) -Limited treatment window available (optimal benefits from applying to 2nd or 3rd larval instars)
Methoprene (Sold as Altocid)	-Insect growth regulator -Synthetic insect hormone Prevents metamorphosis from pupa to adult -Applied as slow release granules or pellets	-ACUTE: Oral LD_{50} (rats) 34600 mg/kg Toxic to human liver (high dosage) -CHRONIC: No known reproductive, teratogenic, mutagenic or carcinogenic effects	-Low toxicity to birds, wildlife -Moderately toxic to fish Highly toxic to some invertebrates if misused -Non-toxic to bees, but can affect other insect species -Low persistence in water (half-life 30 to 40 hr)	-Available in slow-release product (about 3 wks) -fewer applications needed -High efficacy (up to 100%) against *Culex* species	-Must be applied when larvae are in 2nd, 3rd or 4th instars -Not for use in waters which are fish and wildlife habitat -Cannot be certain of effectiveness until too late to re-treat

References:

Glare, T.R. and O'Callaghan, M. 1998. Environmental and health impacts of Bacillus thuringiensis israelensis. Prepared for the New Zealand Ministry of Health, Wellington.

Glare, T.R. and O'Callaghan, M. 1999. Environmental and health impacts of the insect juvenile hormone analogue S-methoprene. Prepared for the New Zealand Ministry of Health, Wellington.

PMRA. 2001. Fact Sheet on the Use of Methoprene in Mosquito Control Programs. Health Canada, March 2001 Accessed December 2002 <http://www.hc-sc.gc.ca/pmra-arla/english/pdf/fact/fs_methoprene-e.pdf >

U.S. EPA. 1991. Methoprene. R.E.D. Facts. 738-F-91-104, March 1991. Accessed December 2002 at: <http://www.epa.gov/REDs/factsheets/0030fact.pdf>_In review of the implications to the Public's health and the urgency in which West Nile virus is expanding, there are no alternatives. This program is of vital importance and necessary in order to take all actions to protect the public's health and reduce the risk of exposure to West Nile Virus.

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MUNICIPAL DOCUMEN

COMMITTEE OF THE WHOLE

February 20, 2003

BUDGET SESSION 9:30 to 5:00 p.m.

ORDER OF BUSINESS

1. **Continuation of any Budget Presentations from February 18th**

2. **Corporate Secretariat**

    (a) Corporate Communications Budget Scenarios
    (b) Municipal Service Centre Budget Information
    (c) Customer Contact Centre Budget Information

3. **Social and Public Health Services**

    (a) West Nile Virus Prevention and Control for the 2003 Season

SECTION 2

2(a)

Hamilton

City Manager's Office

Memorandum

Date: February 17, 2003

To: Mayor and Members of Council

From: Bob Robertson
City Manager

Subject: **Corporate Communications Budget Scenarios**

Background

During budget deliberations on January 10, 2003, Council directed Staff to investigate and report back on the impacts to the City if the Corporate Communications Division was either eliminated or its budget reduced by $400,000. The 2003 requested budget for Communications – excluding Print and Mail operations – is $832,680. A $400,000 reduction, or roughly 50% of current allocation, would result in a net operating budget of $432,680.

The 2003 requested staff complement for Communications, not including Print and Mail operations, is 8.80 (9 staff with one individual currently on a 4-day, short work week agreement).

This memorandum addresses the two scenarios -- a 100% reduction (elimination of the Division) or a 50%, $400,000 operating budget reduction – while providing an overview of effects under both scenarios.

Context

City Council and Staff have the responsibility to communicate decisions about policies and programs to residents of the City of Hamilton. Council has itself stressed the importance of effective communications to residents through its strategic commitment of "Putting people first" and committing to providing clear and open communications to residents.

Current best practices from both public and private sectors indicate that these communication needs are best managed by professionals: Corporate Communications staff are specialists in media relations, issues management, outreach, writing and creative development, advertising and speechwriting.

Communication plays a vital and necessary role in the normal operations of any reputable billion-dollar corporation. Recent research has shown that in typical organizations, the public relations function returns more than it costs to implement – on average, about 186% return on investment. Even senior managers in organizations described as "least-excellent" in their communications reported an average 140% ROI (Grunig, Grunig and Dozier, 2002).

The City of Hamilton has always had a dedicated communications capability. Prior to amalgamation, communications practitioners were housed in HSR, Economic Development, Social and Public Health and Culture and Recreation departments.

With amalgamation, five staff individuals were picked to form a centralized Corporate Communications Division as a means to realize savings and efficiencies while maintaining a corporate perspective.

Currently, Hamilton has a disproportionately small staff complement for Communications relative to other Ontario municipalities. (Appendix 1: Communications departments staff complement in comparator municipalities). It is also worth noting that 9 of the 11 comparator Municipalities have increased the size of their Communications departments in the last year.

Scenario:
No Communications function to the City of Hamilton

Project output impacts will be severe as several initiatives and projects will be eliminated:

- No Annual Report
- No communications role in Emergency Response procedures
- No stewardship of the City's corporate image and identity
- No internal management of the City's statutory municipal advertising
- No media liaison function
- No consistency in responding to media
- No formalized internal communications
- No consistency in communications originating from departments
- No communications training for staff
- No advertising created in-house
- No communications support to major 2003 sporting events
- No corporate communications strategy for showcasing Hamilton during major 2003 sporting events

Corporate Impact: Increased costs, reduced capacity for City departments, with a deterioration in communications quality

Based on current levels of communications activity, comparable external billing would be in excess of $1 million. (Appendix 2: Estimate of Contractor Fees). In addition, cost savings from participation in corporate communications vehicles, such as weekly radio broadcasts and the weekly municipal advertising insert, would be lost. The quality of communications to residents and stakeholders will decrease as City staff (without the same expertise and formal training across communications functions) attempt to create and manage communications campaigns in support of programs. Costs dedicated to these programs will, in all likelihood, escalate. (Appendix 3: Impact on specific Activity Outputs).

Communications staff are also an integral part of Hamilton's mandated municipal emergency plan. Without communications, there would be no staff with the skill or experience required to advise senior management and elected officials on communication issues critical to maintaining public safety and the City's reputation, and to execute the response plan. The plan is regularly activated – for example, the water main break of Tuesday, January 21st – in addition to the periodic testing which it must undergo. Communications is integral to the smooth operations of the plan, and vital to the City's ability to recover from emergency and crisis situations.

Communications provides critical support to designated City spokespersons on a daily basis. Without assistance, these staff would be less able to provide clear and concise information on most issues, from public safety and litigation concerns to waste collection and transportation affairs. Again, ineffective or poor communication often leads to important information being ignored. The result can be eroding trust and confidence on the part of the public and staff, increased exposure to financial and legal liabilities, and financial losses due to ineffective marketing.

Impact on Reputation: Deterioration of the City of Hamilton Corporate Image

The City has begun creating a new identity and image – the one-time capital investment of $600,000 into the launch of the City brand has created an asset that needs to be properly managed. The recruitment element of the brand campaign is critical to maintaining momentum and meeting serious human resource challenges that this community faces (e.g. physician recruitment).

$50,000 was spent specifically on the new corporate identity and its usage guidelines booklet. Usage protocols would be transferred to another department, and a rapid increase in non-compliance is expected. The management of this newly created asset requires understanding and careful management and needs to be a corporate function.

Hamilton has image issues throughout the rest of Canada, and our City government has image problems here at home. A recently published survey (City of Hamilton Image Benchmark Research, Insight Group, January 2003) provides compelling information about impressions of Hamilton and its overall image. The findings indicate that the City must continue to be more transparent and communicate to residents and local businesses consistently and with clarity.

Impact on major 2003 sporting events: Unique opportunities to showcase Hamilton to the world will be lost

For the first time in a long time, the eyes of the world will be on Hamilton as over 250,000 people are expected to come to Hamilton for the world's third-largest sporting event, the World Cycling Championship. An event of this magnitude does not occur without increased communications activity (and overall preparedness) while providing the opportunity to promote and showcase the best of Hamilton to the world's media. Providing international journalists with background information on Hamilton, press kits, familiarization packages will simply not take place without a Communications function to play a lead role. This seeming lack of preparation and resources will adversely affect perceptions.

The Bell Canadian Open represents a similar challenge in terms of event management and profiling Hamilton – with no input or representation from the City.

Finally, there will be no contribution from Communications to the current Commonwealth Games bid.

Impact on Employee Alignment: Internal communications will be non-existent

One of the most damaging effects will be on communicating and managing the changes taking place within the organization. Change management principles highlight the need to provide constant, steady, open communication to employees during periods of restructuring and downsizing.

Important bulletins to staff from the Corporate Management Team would be delayed or discontinued, leading to chronic communication breakdowns.

Information that assists employees in doing their jobs would be poorly communicated and ineffective, leading to a range of difficulties and mistakes with tangible financial implications.

SCENARIO:
50 PERCENT OF CURRENT COMMUNICATIONS FUNCTION

With a scenario based on 50% of the current budget complement, the level of service to City departments, the Mayor's office and Councillors, and special initiatives and projects will be significantly reduced. Communications support to departments will increasingly occur on a need / priority basis – i.e. those judged from a corporate perspective to represent high risk or high benefit.

Similarly, smaller, internal support departments would not receive regular, on-going service, but would rather be attended to on an ad hoc project basis.

There will be little or no capacity to carry on regular activities should a significant issue or municipal emergency develop – priorities would shift as scarce resources are deployed into "damage control" mode.

In general communication will become more reactive, less "proactive" with lessened focus on promoting positive developments. Media relations management would become strictly proactive – little capacity to pitch positive stories, little capacity to begin changing perceptions around Hamilton.

Activity Output Impacts:

Activity and project output impacts will be serious as service levels and initiatives are cut back:

- Strategic advice to internal clients would be scaled back considerably, addressed on a priority basis;
- Strategic and creative development of advertising programs will be severely curtailed – greater cost to programs;
- Emergency Response Procedures will be compromised in the event of a full-scale, multi-day incident (staffing support will become an issue);
- Information and education programs will be executed only on a priority basis;
- Corporate Identity and brand management becomes increasingly logo monitoring with no resources to extend the brand campaign;
- No capacity to assist in the development and production of communications materials;
- Some Divisions will receive no regular Communications service;
- The City's weekly radio broadcast will be cancelled; and
- The City's newly redesigned website will deteriorate in quality with less editorial input from Communications.

Appendix 1: Hamilton's Comparator Cities - Breakdown of Communication Departments: As of January 25, 2003

City/Region	Staff Complement	Organizational Structure
Brampton, City of	1 Executive Director - 1 Sr. Manager - 3 Sr. Communication Associates 2 Communication Associates - 2 Promotion Assistants **Total: 9**	Centralized
Durham, Region of	1 Manager - 1 Assistant - 5 Communications Personnel - 2 Web Masters Police Department: 1 Communications Manager - 1 Media Relations Officer **Total: 11**	Decentralized
Halton, Region of	1 Director - 1 Administrative Assistant - 5 Communications Specialists 2 Graphic Designers - 1 Senior Graphic Technician **Total: 10**	Centralized
London, City of	1 Director - 1 Administrative Assistant - 4 Communication Specialists **Total: 6**	N/A
Mississauga, City of	1 Director - 5 Communications Officers - 5 Creative - 5 Inquiries (Each department below has one Managerial position) 5 Communications (Including 1 Receptionist) - 5 Creative 8 Inquiries (2 part-time positions) - 10 Public Affairs **Total: 44**	Moving slowly towards centralization
Niagara, Regional of	1 Administrative Assistant - 1 Public Health Coordinator 1 Media Relations Coordinator (temp) - 1 Community Services Coordinator 2 Corporate Communications Coordinators 1 Corporate Communications Strategist **Total: 7**	Decentralized (Organizational design underway)
Ottawa, City of	1 Director - 8 Managers - 85 Personnel (media relations, coordinators translators, speechwriters, web masters) **Total: 94**	Centre of Expertise
Peel, Region of	1 Director - 1 Administrative Assistant - 2 Managers 1 Communication Assistant - 3 Senior Associates 6 Associates (5 Coordinators - 1 Event Coordinator) 9 Design Team Members 1 Web Master - 1 Team Leader Design - 6 Design Team Members **Total: 31**	Centralized
Waterloo, Region of	1 Coordinator 1 part-time position (about 20% of time dedicated to Communications) **Total: 1.5**	N/A
Windsor, City of	1 Coordinator **Total: 1**	N/A
York, Region of	1 Director - 1 Administrative Assistant - 4 Communication Specialists 1 Senior Media Specialist - 1 Multi-Media Specialist - 1 Health Educator/Media **Total: 9**	Decentralized

Appendix 2

Estimate of Contractor Fees to Provide Corporate Communications Activity Outputs

In total, Communications Division provided roughly 7,200* hours of *direct service* to City departments (1,200 hours for each Communications Officer x 6)

Communications Division also provided high *value-added strategic services* to City departments and the Mayor's office including media and presentation training; speech writing; advertising creative development, and strategic facilitation.

Equivalent services contracted externally: 7,200 hours @ $125 / hour =	$ 900,000
Value-added strategic services:	$ 250,000
TOTAL VALUE OF COMMUNICATIONS SERVICES	**$1,150,000**

*Based on "billable hours" recorded between January and June, 2002

Appendix 3

Impact of Zero Communications Function to the City of Hamilton, based on Activity Outputs:

- *Strategic advice and counsel* to City departments may be outsourced at a rate of roughly $100 – 150 per hour. Costs to departments would soar, capacity would be impacted, or quality of communications to residents and stakeholders would suffer as department staff attempt to formulate communications plans or cut back entirely.
- *Media relations management* would be outsourced at a rate of $100 – 150 per hour, or ability to effectively and professionally respond to media requests would suffer greatly. Proactive media programs ("pitching" positive stories) would cease to exist.
- *Management of statutory Municipal Advertising,* a centralized function, must be absorbed by another City department (roughly .75 FTE), or outsourced on a freelance basis ($50 - 75,000).
- *City website* will lose Communications input into quality control, clarity, relevance and utility.
- Strategic and creative development of *advertising programs* could be outsourced at $150 per hour – greatly cutting into program budgets.
- *Communications training* to staff and the Mayor's Office would not be available, or would be purchased from external suppliers at minimum $2,000 per day.
- *The City's Emergency Response procedures* and *Municipal Emergency Plan* and would be exceedingly compromised: the mandated plan requires communications involvement at ECG, ESG and on-site.

  Contracted service equivalent: $10 – 15,000 for emergency response team; plus additional hourly / project billing of $ 100 – 150.
- *Annual Report* will be cancelled, or editorial and production coordination assumed by a City department – huge new learning curve; or contracted for $10,000 in addition to design and printing.
- *Information and education programs* assumed internally or contracted out.
- *Corporate Identity and brand management* becomes solely logo monitoring, transferred to Clerks, City Manager, Legal. Deterioration of standards. No continuation of the brand campaign.
- *Development and production of communications material* including high-level speeches and presentations, brochures and reports – management and production contracted out or scaled down considerably

MUNICIPAL SERVICE CENTRE STATISTICS FOR 2002

	1st Quarter		2nd Quarter		3rd Quarter		4th Quarter		TOTAL	
	Walk - in Visits		Walk - in Visits		Walk - in Visits		Walk - in Visits		Walk-In Visits	
	Info	Transactions	Info	Transactions	Info	Transactions	Info	Transactions		
Ancaster	1,050	2,611	1,735	3,927	1,603	2,152			4,388	8,690
Dundas	832	2,663	767	3,636	986	2,641			2,585	8,940
Flamborough	1,583	5,040	1,459	2,572	626	1,644			3,668	9,256
Glanbrook	980	1,250	618	2,034	558	2,136			2,156	5,420
Stoney Creek	3,427	5,859	2,964	3,784	790	1,287			7,181	10,930
Total Walk-In	**7,872**	**17,423**	**7,543**	**15,953**	**4,563**	**9,860**	**-**	**-**	**19,978**	**43,236**
		Telephone Inquiries		Telephone Inquiries		Telephone Inquiries		Telephone Inquiries		
Ancaster		503		682		827			2,012	
Dundas		619		703		832			2,154	
Flamborough		125		216		207			548	
Glanbrook		551		443		448			1,442	
Stoney Creek		1,445		962		725			3,132	
Total Telephone		**3,243**		**3,006**		**3,039**		**-**	**9,288**	
		Processing		Processing		Processing		Processing		
Ancaster		1,859		858		882			3,599	
Dundas		1,549		4,297		2,210			8,056	
Flamborough		4,560		3,938		1,359			9,857	
Glanbrook		11,628		29,937		24,869			66,434	
Stoney Creek		486		796		518			1,800	
Total Processing		**20,082**		**39,826**		**29,838**		**-**	**89,746**	

2(b)

Hamilton
City Manager's Office

Memorandum

Date: January 29, 2003

To: Mayor and Members
Committee of the Whole

From: Bob Robertson, City Manager

Subject: **Municipal Service Centre Budget Information**

Background

During discussion of the Corporate Secretariat budget, the Municipal Service Centre operating budget was tabled. The operating budget submitted for 2003 is a total of $834,870 which includes a reduction of 3 FTE and $167,850 in operating expenses as a result of closing one centre, which has yet to be determined.

The following additional information about the Municipal Service Centres (MSCs) is provided for the members of Council. A brief outline of information about the MSCs is attached.

Comments

The MSCs provided a broad range of counter service to the over 67,000 residents who visited them in 2002. This is one of the service areas that truly provide multi-tasking services in the city, and offer the opportunity of expanding these services in the future. A sampling of current services available for customers in the MSCs is attached. The addition of services such as the sale of Taxi Scrip, DARTS tickets and composters, as well as becoming water bottle testing drop-off locations resulted in these services being more accessible to members of the public than they had been in the past.

Municipal Service Centre staff provide operational support to several necessary functions in other departments. This includes assisting with tax calls, processing of tax and parking ticket payments, marriage licenses, burial permits, collection of planning and building fees, sale of bus passes, bus tickets, Taxi Scrip and DARTS passes, etc. In addition, they provide administrative support to other departments through data input, transcribing, preparation of bulk mailings and other processing.

In 2002, revenue collected at the MSCs from walk-in customers totaled approximately $26,286,481, including tax payments of $23,357,719. These figures do not include revenue received through the processing of mailed tax and parking ticket payments handled by the staff at the MSCs. This revenue is reflected in the budget of the appropriate program area, but is noted here in order to provide information about the work that has been assumed by staff at the MSCs.

During the budget deliberations, discussion took place about the possible savings if additional MSCs were to be closed. As all of the work undertaken by the MSC staff would still need to be completed, the possible savings are minimal. Staff estimate that at least 10.5 employees would need to be added into the functional areas in the organization if the MSCs were to be closed, and this estimate is perhaps conservative. What it does not account for is the time it takes staff to respond to customer inquiries that might be translated to additional telephone calls if the MSCs were closed. In addition, it does not include work for which there has been a commitment made for 2003.

The work assumed by the MSC staff has increased over the last two years and continues to grow. During 2003, staff will be undertaking the processing of Provincial Offences Act tickets, some of which are currently sent to external contractors to process. The required software has been added and training has commenced to allow this work to be assumed by the MSC staff. It is estimated that they will process a minimum of 55,000 tickets into the provincial database per year. In addition, staff will process all of the mailed dog licensing renewals, as well as continue to process animal control licenses for walk-in traffic. Over the next couple of months, MSC staff will also assist with inputting the information into the new animal control database.

In preliminary discussions with Library staff, it was determined that there is insufficient capacity for Library staff or MSC staff to take on each other's duties completely. The Dundas community was reviewed as a possible location for joint service provision and there may be the possibility of eliminating one FTE, if the two work units could be combined. While there are several obstacles that would need to be overcome, such as the requirement for different credentials, different union locals, the significant time away from duties that is required for ongoing training and space requirement, further discussions with library staff will be held to address these issues.

With the future implementation of the IP telephony, there will be an opportunity for the MSC staff to assist with calls to 546-CITY during some of the peak periods. As well, there is the possibility of re-allocating processing work from other departments, such as timesheet processing, into the MSCs. This can be more fully explored after the Core Services Review is reviewed, and during the implementation of the organizational re-structuring.

While the primary objective for the MSC staff is to provide counter service to the customers, they also act as additional resources for other departmental areas. However, there is still an opportunity, with the input and co-operation from other departments to look for further efficiencies through re-design of business processes in order to utilize the MSC staff to their full capacity, thus increasing efficiency while maintaining a local presence.

Municipal Service Centres

Context

- 5 municipal service centres (Ancaster, Dundas, Flamborough, Glanbrook, Stoney Creek)
- there are other City or community services offered in all of these centres except for Dundas
- recent re-location of community groups into the Flamborough Service centre has allowed one City facility to be put onto the surplus properties list

Current Services and Levels

Service Levels and Costs

- Total Customers served in 2002 – 81,140
  - Walk-ins – 67,126
  - Phone inquiries – 14,040 (unpublished numbers)
- Additional processing – 139,033
  - Parking payments – 51,641
  - Tax payments – 41,033
  - Vailtech system changes (ownership changes, etc.) – 18,754
  - Other – 27,605
    - Includes composters, facility rentals, recreation facility bookings, culture and recreation registrations
- Total Revenues collected (from Walk-in transactions) - $26,286,481
  - Tax - $ 23,357,719
  - Other - $ 2,928,762
    - Includes Parking - $ 2,371,859
    - Marriage Licenses - $ 40,400
    - Planning/Building Fees - $ 120,328
    - Miscellaneous - $ 390,239
    - Birth - $ 5,936

- Operating budget – 2002 - $ 978,530
- Proposed operating budget 2003 - $ 834,870 (for 4 centres)
- 17 FTEs – 1 Manager, 16 Municipal Service Centre reps

Services

- Current Services include:
  - Tax payments
  - Tourism Hamilton sites
  - Parking payments
  - Composters, blue boxes and waste collection information
  - Water bottle pick-up and drop-off for well water testing

  - Marriage licenses, birth registrations, burial permits
  - Information on municipal by-laws, waste program, etc

- Partnerships/shared space in the service centres with other municipal services
  - Building /planning services - provided one half day per week
  - Small Business Enterprise Centre
  - Library services – Ancaster, Stoney Creek
  - Planning/Building – Stoney Creek
  - Roads/Traffic - Glanbrook

- Partnerships in the Centres with other community groups
  - Community police centres – Flamborough and Ancaster
  - Community Information Centres – Flamborough and Ancaster
  - Heritage Society and Archives – Flamborough and Glanbrook
  - Community Home Support – Glanbrook

Future Opportunities

- POA Partnership
  - This year, the centres will take on the processing of POA tickets
  - Training has commenced
  - A minimum of 55,000 per year will be processed at the MSCs
  - Eliminate the need for external contractors to take on this work

- Impacts of IP Telephony
  - Municipal Service Centres have taken on work that allows them to set the work down and deal with the customers at the counter
  - This principle will continue to take priority even with the changes achieved with the IP telephony project and the completion of the Customer Contact Centre
  - Municipal Service Centres will be able to be added to the queue to assist with peak call loads at the Customer Contact Centre, as required
  - Experience is required with IP telephony and the impacts on call loads at the Contact Centre to establish whether or not there will be an impact on the total staff complement of the 2 sections

- Possible partnership with the Province
  - this has been explored in a preliminary way
  - initially to commence with training of our staff on Provincial information
  - further meeting scheduled for February
  - considering seeking approvals for commissioners of oaths and affidavits

- Possible Library Partnership
  - Preliminary discussions have taken place with Library staff
  - Insufficient capacity for Library staff or MSC staff to take on each other's duties completely

- Dundas was reviewed as a possible location for joint service provision
    - The difference in the type of work does not lend itself to an easy joining of the functions
    - At most, there might be possibility of eliminating one staff person, if the two work units could be combined, with significant cross-training
    - There are several obstacles to this:
        - significant time away from duties for training requirements
        - different Union locals
        - different credentials required for job duties

Impacts of eliminating 1

- longer distance for customers to travel to receive counter service
- other processing would be spread over the remaining service centre staff
- inability to continue with some processing requests
- this option is manageable from a workload point of view

Impacts of eliminating all 5 centres

- the workload does not disappear
- POA revert back to contracting out payment processing
- additional staff to be added back to departments
    - assumption that half of the walk-in traffic will disappear
    - additional staff required would be 10.5 (conservative estimate)
- Based on conservative estimate of processing times
    - Examples
        - 5 min. – tax and parking payment for walk-in transactions
        - 4 min. – payment processing
        - 3 min. – telephone inquiries
        - 5 min. – walk-in inquiries
- Elimination of school tours of City Hall by staff

Strategic Commitments

- Municipal Service Centres provide quality community services, honouring community identity (Goal #2 – A Great City in which to Live)
- Municipal Service Centres provide a vehicle for communicating clearly and openly with residents about services and provide accessible access points to services (Goal # 4 – A City Where People come First)
- Municipal Service Centres provide value in service delivery, including service quality, accessibility, and savings

(J. Lee – Jan. 20/03)

Hamilton
City Manager's Office

Memorandum

CORPORATE SECRETARIAT
CUSTOMER SERVICE
SERVICES PROVIDED IN MUNICIPAL SERVICE CENTRES

Department	Service
Corporate Services	• Tax installment payments • Update tax system with all ownership/mortgage changes received by Finance • Process all mailed tax payments received by Finance • Process all postdated payments received by Finance • Process tax certificates • PAP Applications • OCR Loads, weekly/monthly cash reports, PeopleSoft general ledger update • Answer tax phone lines • Receive Hydro/water payments • Reconcile and prepare payment to Hydro for all bills including payments made at City Hall • Parking tickets payments • Sale of Parking permits • Sale of dog and kennel licenses **ParkSmart - (Dundas)** • Posting parking tickets and batches to ParkSmart system • Processing Certificates requesting conviction • Processing Certificates requesting Plate Denial • Processing parking complaints • Canceling parking tickets • Administration and sale of Parking Permits **Clerks** • Vital statistics - Includes birth registrations, Provincial forms etc. • Issue Burial permits • Issue Marriage licenses

Department	Service
	Clerks Cont. • Drainage loan applications • FOI applications • Lottery license applications • Election information/nominations • Agendas/minutes/records • Sale of merchandise (Beyond Paradise book, SPCA material)
Community Services	• Registration drop off • Facility rentals • Sale of Passes • Distribute brochures • Provide information regarding rental rates, youth, swimming instruction, senior's programs, museums, golf courses, farmers' market, public swimming and skating times • Provide information regarding parks, facilities, trails **ire** Burn permits Complaints Information requests and brochure distribution File searches/clearances and fire response reports Demolitions Station tour requests Inspection requests for residential Juvenile firesetters Local initiatives - (i.e. Foodshare, Bundle Up)

Department	Service
Community Planning and Development	• Receive payments for permits • Assemble and explain information packages for specific customer requests (i.e. pool enclosures, additions) • Assist with roll map usage • Assist with customer requests for zoning inquiries • Provide information on current issues (i.e. Red Hill Valley project) • Distribute brochures and applications
Human Resources	• Distribution and Receipt of Applications for Employment • Distribution of Pay slips and time sheets
TOE	• Leaf and Yard waste - Bags, Schedules, Complaints • Information regarding water meter connections, poor pressure, water/sewer repair, road cuts, • Receipt of Transfer Station tickets • Sale of composters • Distribution of information material, calendars • Preparation of displays for special events, (i.e. Garbage pick-up route changes, snow removal routes) **HSR** • Sale of DARTS tickets • Sale of Bus passes • Sale of Taxi Script tickets • Sale of Trentway Wagar senior bus tickets • Distribution of route maps, timetables and information
Social and Public Health	• Drop off location for water samples • Provide mailing services (i.e. Smoking By-law, Breast Cancer awareness information) • Database input (SPSS) for quizzes, event responses, focus group results • Transcribe focus group discussions (audio tape to Word document) • Prepare displays for special events

2(c)

Hamilton
City Manager's Office

Memorandum

Date: January 29, 2003

To: Mayor and Members
Committee of the Whole

From: Bob Robertson, City Manager

Subject: **Customer Contact Centre Budget Information**

Background

The following additional information about the Customer Contact Centre is provided for the members of Council. A brief outline of information about the Contact Centre is attached.

The Customer Contact Centre provides a broad range of telephone and e-mail service to the residents and businesses in the City of Hamilton and beyond, responding to 380,844 telephone calls 1736 general inquiry and 486 tax inquiry e-mails in 2002. The Contact Centre has taken on additional responsibilities for several departments since its opening, and continues to do so. A sampling of current services available for customers in the Contact Centre is attached.

Comments

A review of call volumes and staffing requirements needed by departments in an unconsolidated call taking environment was undertaken. All of the calls would still have to be responded to by the City in an unconsolidated environment therefore there are no savings, and it is estimated that there would be additional costs. Staff estimate that 30.5 employees would be needed to respond to the calls, including 4.5 for a centralized switchboard . This is in comparison to the 23 staff currently responding to citizen inquiries at the Contact Centre.

A question has been raised about whether or not the calls currently responded to at the Contact Centre can be responded to by the Municipal Service Centre staff. It should be noted that the workload would not decrease in either area by making this change. Other issues would arise if this change were made. Communications with the reps about emerging issues is not as easily achieved under this scenario, so that there would inevitably be a delay in sharing information across the work group. The benefits of immediate access to members of the team would also be lost. Currently, the staff in the Contact Centre can rely on their team members for problem solving, research and resolution of issues. This would not be as easily or as promptly achieved in the case of decentralized staff handling the call-taking function. The ability to escalate an issue to a supervisor also becomes less immediate, so causing a delay in problem solving. If the Municipal Service Centre reps were also to be taking calls, the call response would probably be delayed in favour of face-to-face service. The ability to monitor why reps aren't logged on the phones is much more difficult, and the ability to re-align breaks, lunch schedules and hours of operation also is eliminated in this type of decentralized model.

The Customer Contact Centre operates with an Automated Call Distribution System (ACD), which queues the calls and allocates them to the next available customer service representative. This is not the only functional area in the City with an ACD operating. There are 24 other ACD type systems of various age and functionality operating in the City. A review of these systems, including the calls responded to by them, the staff support, and the equipment costs, was only recently completed. It has yet to be presented to Corporate Management Team for discussion, but indicates on a very preliminary basis that there may be additional savings that could be achievable if further consolidation of work into the Customer Contact Centre is undertaken. Savings are achievable both through staff reductions in the respective operating departments and through eventual savings in equipment costs. Staff undertook this review as a possible method of achieving savings sufficient to finance additional operating costs required to undertake conversion to a 24/7 operation and to ensure that there would also be resulting savings to the organization.

In order to capture the savings that were indicated in the Mayor's Strategic Budget Directives for ACD consolidation, the Customer Contact Centre's budget has been reduced by an additional $250,000. These savings will occur in an incremental fashion as workload is transferred to the Contact Centre and positions are downsized in the operating departments accordingly. Base transfers will be processed from the operating budgets to the Customer Contact Centre as implementation occurs to ensure the savings are reflected in the operating department's budgets. This additional amount results in the Customer Service Division budget having a total reduction of $485,090 (16%) over last year's budget, rather than the $235,090 (7%) originally submitted. This will ensure that savings are captured in the 2003 budget.

In terms of logging and tracking, the plan for the Customer Contact Centre is to add the technology to permit effective logging and tracking of municipal issues and service requests and to provide it to members of Council and staff in various formats (by ward, service district, etc) to meet decision-making needs. Some work areas already track service requests to varying degrees of detail; and the Customer Contact Centre utilizes the same system to track calls related to some of these service areas. In response to recent discussions by members of Council, staff are in the process of reviewing those statistics which might be available to members of Council in the short-term, and what additional work on this system might be possible to expand the tracking codes and provide additional information to members of Council. It will be necessary to have a dialogue with members of Council and staff to identify current and future capabilities, and to define the statistical reports to be made available.

Our vision is a system whereby citizen inquiries, complaints and service requests, made anywhere in the organization can be statistically tracked. This would ideally be expanded to include requests made on-line, by phone or across the counter. In addition, the system will need to provide ability to follow the requests or complaints through its work in progress to resolution. Statistical reports would then be available which would indicate service areas or issues of significance, as well as statistical analysis of the organization's ability to resolve these issues. To move to this level of information will require planning, process re-design, and technological resources. Initial implementation will be at the Contact Centre with other functional areas added as resources become available.

The positive impact on the customers being able to receive service with the first answer, or being transferred a minimum number of times should not be underestimated. The Contact Centre will also provide the live-answer option to people who either cannot access the automated phone directory which will be available with the IP telephony implementation, or who need assistance to access the correct person, or program area. That Contact Centre is also a key component of the City's Emergency plan, and provides an ability to respond to visitors to the City, particularly in times of major events.

Experience is required with the implementation of the IP telephony before its full impact on the Customer Contact Centre can be evaluated. Call levels could increase if many callers zero out of the automated option into the Contact Centre queue. There will be increased flexibility to allow for additional queues to be established in other areas, such as the Municipal Service Centres or other departmental areas. Additional opportunities should be looked at for further consolidation into the Contact Centre in the future. For example, the results of the Core Services Review need to be evaluated for efficiencies that might result from co-ordination of work with the Contact Centre. There may also be opportunities for further review during the implementation of the organizational re-structuring.

Because of the existence of the Customer Contact Centre, additional efficiency is created within the organization. With the continued existence of the Contact Centre, the City can maintain good service for the customers and still seek opportunities to look for further efficiencies through re-design of business processes, with thought and co-operation from other departments.

- Logging/Tracking
  - The Customer Contact Centre and the optimum amount of consolidation of work there, is a necessary part of proceeding with logging and tracking of calls
  - Preliminary discussions have taken place with IT staff to review our existing systems in use and the possibilities of providing statistical reports to provide Councillors and staff with additional information tools for decision-making purposes
  - A process is being developed to ascertain our capabilities to commence some interim logging, tracking and reporting in advance of the completion of the implementation of IP telephony and the Customer Contact Centre improvements

Impacts of eliminating the Customer Contact Centre

- The call load does not disappear, and will grow if the customers have to seek out and call different numbers or be transferred multiple times to find the correct City contact
- Estimated minimum number of staff for a switchboard operation – 4.5
- No answers on the first call; callers transferred to departments for information
- Estimated number of staff to be added back into the operating departments – 25.7 FTEs (not including the 4.5 for switchboard for a total of 30.2)
- Waste – 8.7
- Tax – 6.0
- Other 11.0
- 30.2 does not include supervisory or support staff; it replaces the number of representatives required for answering customer phone calls that are currently being answered by 23 customer service representatives
- Additional work will not be completed as follows:
- Info@hamilton and taxsupport@hamilton.ca e-mails will not be responded to here
- No advice or assistance to departments with updating of the FAQs resulting in incorrect, untimely information being available for the staff and the public to use
- Mailing of information for departments in response to requests from the public would have to be handled by departmental staff – waste calendars, waste information re: leaf and yard stickers, recyclable items, organic waste collection pilot program, pre-authorized tax payments schedules and applications, payment confirmation for income tax, deferral of taxes for low income persons or low income disabled persons, etc.
- Registering courses and participants for events and seminars will need to be handled by departments – e.g. Social and Public Health seminars, Commuter Challenge, feedback on various public reports
- Alternate arrangements will need to be made for handling calls in an emergency, when the emergency plan is implemented

Strategic Commitments

- Customer Contact Centre provides quality community services, honouring community identity (Goal #2 – A Great City in which to Live)
- Customer Contact Centre provides a vehicle for communicating clearly and openly with residents about services and provides an accessible access point to services (Goal # 4 – A City Where People come First)
- Customer Contact Centre provides value in service delivery, including service quality, accessibility, and savings

(J. Lee - Jan.20/03)

SECTION 3

CITY WIDE
IMPLICATIONS

3(a)

CITY OF HAMILTON

SOCIAL AND PUBLIC HEALTH SERVICES DEPARTMENT
Health Protection Branch

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Dr. Elizabeth Richardson Medical Officer of Health
Date:	February 18, 2003	**Prepared by:**	Susan Harding-Cruz 546-3576

SUBJECT: West Nile Virus (WNV) Prevention and Control for the 2003 Season - SPH03003 (City Wide Implications)

RECOMMENDATION:

(a) That Council endorse the proposed 2003 Prevention and Control Plan that includes an Integrated Pest Management (IPM) protocol for the control of West Nile Virus, which includes larviciding (killing developing mosquitoes in standing water) in selected storm water catchbasins and potentially some surface waters, as outlined in this report;

(b) That Council approve a budget of $550,000 to implement the IPM Protocol's larviciding component for vector control;

(c) That the appropriate City Officials be authorized and directed to take the necessary action for West Nile Virus control recommended in this report;

(d) That Council direct the Transportation, Operations and Environment Department to bring forward a report of the budget impact for standing water management on public lands within TOE's control; and

(e) That Council request the Ministry of Health and Long-Term Care to cost share 50% the IPM larviciding program.

Elizabeth Richardson
Medical Officer of Health
Social & Public Health Services

EXECUTIVE SUMMARY:

As of February 3, 2003, the number of cases of serious West Nile virus illness that occurred in Hamilton during the summer and fall of 2002 stands at 6 confirmed and 3 probable human cases. Testing continues so additional cases may continue to be added. Many health units in the Greater Toronto Area and the Golden Horseshoe experienced a similar or higher number of human cases (see Appendix A: Human Case Summary- Ontario 2002). Nineteen crows and six mosquito pools in Hamilton were also positive for the virus in 2002.

Serious WNV disease in humans in Hamilton and Ontario occurred and was not confined solely to elderly people with pre-existing medical conditions. Some cases have required hospitalization and the disease has caused prolonged fatigue, muscle weakness, disability and substantial or indefinite recuperation time. Recently reported figures suggest that, on the whole, one in every 150 WNV infections can result in severe neurologic illness and/or death.

As discussed in the Legal Implications section, the City of Hamilton has a statutory legal responsibility under the *Health Protection and Promotion Act* to carry out duties related to West Nile virus disease surveillance and control.

Using the 2003 draft Canadian National Guidelines for Response to West Nile virus as a guide, where Hamilton reached a Level 3 Risk Category in 2002, together with Toronto's Protocol for the Control of Mosquito Larvae to Prevent and Control West Nile virus, it is recommended that:

Disease control activities be expanded to include a larviciding program (chemical and/or biological control of developing mosquitoes in water)

- Planning and preparing for larviciding be undertaken to reach a target start date of June to larvicide public lands in selected catchbasins and potentially some surface waters. (Catchbasins on private lands are not included.)
- Methoprene (a chemical larvicide) be used in catchbasins; Bti (a biological larvicide) be used in surface waters
- If larviciding, together with other Integrated Pest Management strategies, are unsuccessful, adulticiding be considered as an emergency option for control.

Supplementing the yearly educational and source reduction measures with the selective use of larvicides balances the risks of human illness from WNV with environmental and health concerns from the use of pesticides. To not use larvicides when warranted could leave Hamilton with greater risks to humans from increased viral activity or potential adverse effects to the environment should adulticiding be necessary.

Several departments within the City have key roles to play in ensuring the smooth deployment of a larviciding plan. Transportation, Operations and Environment will play a major role in assisting with an inventory and control (regrading, draining or identifying potential areas for larval monitoring) of standing water on lands under their control. Community Services, Risk Management, Communications and others will assist with enforcement issues, tendering and an awareness campaign for the public, and other tasks. All Departments that have a role will require direction from Council to assist with in-kind resources so that the June target date can be met.

BACKGROUND:

Hamilton, like other Ontario municipalities, is experiencing the emergence of a new disease. West Nile virus is now a reportable disease in Ontario. When diseases emerge, Public Health is legally required to monitor and respond. Other environmentally-spread diseases that public health has been or continues to be involved in include Rabies (animal bite), Lyme Disease (tick bite), Hantavirus (carried by mice) and St. Louis Encephalitis (mosquito bite- outbreaks in late 1970's in Ontario). The work involved with these diseases is all cost-shared between the province and city.

Since 2000, when Hamilton first monitored West Nile virus, SPHS has used Health Canada National WNV Guidelines as a framework for the development of our local responses. The Guidelines were developed in order to:

(a) Minimize human disease
(b) Provide a graded response based on an assessment of the specific risks within our jurisdiction; and
(c) Minimize environmental impacts.

SPHS efforts focused on surveillance, public education and enhanced communication with health professionals in 2001 and 2002. Hamilton and other jurisdictions have seen the number and reach of human cases of WNV expand in 2002.

Given the level of human, bird and mosquito WNV infection in Hamilton in 2002, the experience in other jurisdictions, the Canadian guidelines and Centres for Disease Control (US) guidelines for West Nile virus control, a larviciding program is now recommended for 2003 in addition to the control and surveillance measure conducted in 2002. The recent budget approval of $145,000 will be matched by the province. It covers the costs of planning and surveillance through staffing costs and supplies. The $550,000 for larviciding does not require additional public health staffing requirements but instead covers the acquisition of pesticide and the costs for contracting a pest control company.

The larviciding program does not involve spraying insecticides into the air, but rather preventing larvae from hatching into adult mosquitoes. The principal vector of WNV- the common *Culex pipiens* mosquito – would be targeted. The recommended approach is outlined in the 2003 Prevention and Control Plan and Protocol for Control of Mosquito Larvae (see Appendix B). The pesticide application component focuses on applying methoprene to selected public land catchbasins twice in the season and Bti to surface waters, if and when warranted. Private lands are not included in the larviciding plan for this season.

June is considered the most appropriate time for first application of larvicide in order to achieve effective control of developing mosquitoes. In order to ready itself for this process, the City of Hamilton must initiate several activities immediately, including:

- Identification of standing water areas, including locations of catchbasins
- Identification of overlapping areas of mosquito breeding sites, dead bird sightings, and densely populated human areas
- tendering for a suitably qualified pest control company
- hiring qualified students and/or consultants for larval and adult mosquito monitoring and testing
- procurement of a pesticides application permit via the Ministry of Environment (MOE) application process
- acquisition of pesticide from the United States.

Departments have met and work groups have been established to begin planning the larviciding process.

In addition to the above, SPHS, together with other City staff, will enhance ongoing activities by:

- Drafting a standing water by-law with Building and Licensing for enforcement of standing water on private lands;
- Investigating with Public Works the possibility of a "West Nile virus spring clean up day" special bulk item pick up; and
- Investigating within the Department how best to evaluate components of the West Nile virus program.

Achieving an effective control program this season is a time sensitive issue. There will be consequences if the June deadline is missed, as such a delay will result in fewer opportunities for larviciding in the 2003 season and an increased risk for the necessity of an adulticiding intervention later in the season.

A key component of the larviciding plan will be the acquisition of a pesticides application permit from the Ministry of the Environment (MOE). In order to have a successful application, an agency must include several pieces of surveillance data and outline a clear scope of action. It has been suggested that the permit application process could create significant delay in the commencement of WNV control activities for several Ontario Public Health Units. Discussions with the MOE to clarify the exact requirements for a permit are ongoing.

A group of Health Units, mainly Central East Health Units (Toronto, Durham, Peel, Simcoe, York Region) are developing a guidance document for Health Units on larviciding. New York City's evaluation of its mosquito control program is due in late February. The Ministry of Health and Long-Term Care's guidance document is also expected in February or early March. All of the above documents will be reviewed and incorporated as appropriate into the 2003 Plan so that the best recommendations are considered for ongoing control of the disease.

Although planned, larviciding is only one component of mosquito control. SPHS recommends that the mosquito control program encompasses IPM- an Integrated Pest Management approach. As described in Toronto's proposed protocol for mosquito control,

"An integrated pest management (IPM) program uses a number of different approaches to control target pests in order to minimize the use of pesticides. Preference is given to non-chemical and biological control with chemical pesticides only used as a last resort."

To achieve a successful IPM program, the following framework is necessary:

Integrated Pest Management (IPM) Framework for WNV

Priority	IPM Component	Examples
Tier 1 • Tier level in 2000, 2001, 2002. Activities to occur each year WN is present.	Environmental Management & Public Education	• Mapping of standing water (potential breeding sites) • Source reduction by environmental modifications • Surveillance and monitoring of WNV activity • Personal precautions, mosquito avoidance
Tier 2 • Current Tier level for Hamilton for the 2003 season. Human cases are anticipated so additional controls should occur	Larval Mosquito Control	a) Non-chemical methods • Introduction of natural enemies if proven ecologically harmless (e.g. fish in sensitive wetlands) • Cleaning of catch basins
		b) Lowest Impact Larvicides Bacterial agents (e.g. Bti) Chemical agents (e.g. Methoprene)
Tier 3 • Potential Tier level in 2003 should Tier 1 and 2 level measures be unsuccessful	Adult Mosquito Control	Adulticides e.g. Malathion

Selection of the Appropriate Control Strategies:

Tier 1 strategies are the first line of defence and are used if there is the potential for WNV to be transmitted to humans. It is implemented when WNV has been detected in sentinel species such as crows and/or detected in neighbouring jurisdictions. Tier 1 strategies were used in 2002 and will continue to be used throughout the 2003 WNV season.

Tier 2 strategies are considered when the risk of WNV related disease in humans is known to occur. Given that there were human cases of WNV in Hamilton in 2002, the risk of human disease from WNV in 2003 is considered significant. SPHS is therefore recommending that Tier 2 strategies be used to control mosquitoes during the 2003 WNV season. Within Tier 2, two options for intervention have been identified. SPHS will give preference to the option that is most effective and is of lowest risk to the environment.

Tier 3 control measures are the least desirable because of the potential of adverse effects to the environment. Thus, they will only be considered when Tier 1 and Tier 2 efforts have not been successful in reducing the risk to human health from WNV, and if there were large numbers of infected birds, mosquitoes and/or humans. A successful larvicide program should significantly decrease the need for more aggressive control measures such as adulticiding. No decisions on the control of adult mosquitoes will be made without ongoing consultation with Medical Officers of Health of other health units facing similar WNV-related risks, the Chief Medical Officer of Health for Ontario, and the appropriate provincial ministries. Specific details are still under discussion and will be reported to Council in Spring 2003.

ANALYSIS OF ALTERNATIVES:

Given the rapidity with which the incidence of West Nile virus is expanding, and the implications for the health of the public, a targeted larviciding program is recommended at this time. Supplementing the yearly educational and source reduction measures with the selective use of larvicides balances the risks of human illness from WNV with environmental concerns from the use of pesticides. To not use larvicides when warranted could leave Hamilton with greater risks to humans from increased viral activity or potential adverse effects to the environment should adulticiding be necessary later in the summer. As well, a program that relies largely on adulticiding likely will be more costly than the recommended proactive approach and is likely to be viewed more negatively by the public. Should Council elect not to proceed with a larviciding program for Hamilton at this time, surveillance for West Nile in mosquitoes, birds and humans will in any case continue.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial

Although the Ministry of Health and Long-Term Care will provide a guidance plan in early spring, it is likely that some questions regarding the West Nile virus planning and control for 2003 will remain.

Further, the Ministry of Health and Long-Term Care has requested the Hamilton Social and Public Health Services plan for WNV control during the 2003 season, including expected costs. It is likely that the Ministry will approve all costs for surveillance, public education, and human case monitoring which would then be cost-shared between the City and the Province. These costs were outlined in the budget enhancement already approved by Council. However the additional costs for larviciding outlined in this report and/or adulticiding (if necessary) may not be covered by the province, in which case those costs will be borne by the City. As well, it is yet to be confirmed whether the Ministry will cover some or all of the costs associated with viral testing of crows, adult mosquitoes and developing mosquitoes. Depending on the decisions made, each Health Unit may be left with the responsibility, and costs, of providing this testing. Thus the proposed cost of $550,000 for the larviciding program is presented as a 100% cost to the City at this time with a recommendation to request 50% funding from the province.

West Nile virus is a disease that continues to emerge and will in all likelihood require an ongoing budget to support surveillance and control, including provisions for larviciding and emergency adulticiding.

Legal

Legal Services and Risk Management have provided the opinion that the City of Hamilton has a legal 'duty of care' to provide West Nile virus programming. As conditions fostering the spread of the disease can be defined as a "health hazard" under the Health Protection and Promotion Act (HPPA) and because encephalitis, a serious condition that can occur with West Nile virus, is also a reportable disease under this same Act and its regulations, Social and Public Health Services Department , as agents of the City of Hamilton, has a statutory legal responsibility to carry out duties related to West Nile virus disease surveillance and control. If the City does not take reasonable measures to meet these responsibilities, then it will likely have difficulties defending its lack of response if faced with legal proceedings.

As a legal duty of care already exists, the City of Hamilton must decide through policy and operational decisions, how best to meet the responsibility of providing a West Nile virus program.

The Medical Officer of Health (MOH) also has the responsibility to monitor health hazards in her jurisdiction in order to prevent, eliminate and decrease the effects of health hazards. Under section 13 of the *Health Protection and Promotion Act*, the MOH may make orders to decrease the effect of or eliminate a health hazard. If, during the course of 2003, the risk of WNV increases and the City has not adopted measures that the MOH feels are necessary to protect human health, then an order could be issued to take those measures.

POLICIES AFFECTING PROPOSAL:

MOE permit applications for larviciding could be denied or require revision before being approved. If denied, or if extensive delays occur, larviciding at the ideal time may not occur, leaving fewer options for optimal control of the WNV.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

City Departments	Ontario	Other Provinces and Canada	United States
-Water & Wastewater -Construction & Design -Public Works -Long Range Planning -Building and Licensing -Cemeteries -Parks -Purchasing -Legal -Risk Management -GIS/IT Services -Corporate Communications	-Central West and Central East health units -Ontario Vector Control Association -Ministry of Health and Long-Term Care -Ministry of Environment -Brock University -University of Toronto -Canadian Cooperative Wildlife Health Centre -Pesticide applicator companies -Pesticide producers	-City of Edmonton -City of Winnipeg -Health Canada	-New York City -Chicago

All of the above agencies have been contacted to assist with the preparation of this report. As a continuing step, school boards, conservation authorities, CN Rail, Hamilton Hydro, and Hamilton Port Authority will be contacted to discuss how standing water on their lands can be monitored and controlled.

CITY STRATEGIC COMMITMENT:

(Vision 2020, adopted by Regional Council as its vision for the future of Hamilton-Wentworth and endorsed by the Transition Board as the basis of a vision for the "New" City of Hamilton, embodies the concept of a sustainable community which is an equal balance of the economy, the environment, and social/health factors in all municipal decision-making.)

The recommendations outlined in this report fit with Council's strategic goal of a Healthy Safe and Green City. The proposed actions contribute to Council meeting its statutory health obligations and strive to achieve a balance between the risks of human illness from WNV and environmental concerns from the use of pesticides.

Appendix A

Human Case Summary – Ontario 2002

	REGION	PROBABLE	CONFIRMED
1	Brant	0	1
2	Bruce-Grey	0	1
3	Chatham-Kent 1	3	0
4	Durham	3	0
5	Haldimand-Norfolk	2	1
6	Halton	29	30
7	**Hamilton**	**6**	**3**
8	Lambton	1	1
9	Middlesex-London	6	2
10	Niagara	11	7
11	Peel	31	19
12	Perth	1	0
13	**Toronto**	**87**	**62**
14	Waterloo	2	1
15	Windsor	19	18
16	York Region	9	2
	ONTARIO TOTAL	**210**	**148**

Appendix B

2003 Prevention and Control Plan- Abridged

Introduction

This plan includes an outline of a generic protocol to be used by SPHS in making decisions regarding the control of mosquitoes in the City, with the goal of reducing the risk of human illness due to WNV while minimizing the use of pesticides. The plan and protocol are based on the 2003 draft Canadian National Guidelines for Response to West Nile Virus and Toronto Public Health's draft Protocol for the Control of Mosquito Larvae to Prevent and Control West Nile Virus.

To prevent or reduce human cases of WNV in Hamilton in 2003, efforts must focus on mosquito control measures in addition to the now routine program strategies of:

- surveillance (human, dead bird, adult mosquito and mammals)
- public education (personal protection and avoidance measures)
- public education to reduce standing water on public and private lands
- communication with health professionals regarding human case definitions

Hamilton has focused on these areas since 2000 when public health units became involved in West Nile virus disease surveillance. These activities have occurred and will continue in accordance with the risk category classifications as outlined in the National Guidelines:

Risk 0	**No West Nile activity known and unlikely. No strategies required.** • Hamilton was in this Risk category in 1999 and prior.
Risk 1	**No West Nile activity discovered but activity is possible.** • Hamilton was in this category early in 2000. Surveillance conducted for the virus for humans, birds and adult mosquitoes.
Risk 2a	**WNV activity in humans, birds, mosquitoes or mammals in year prior in jurisdiction or nearby or in the United States in the current year.** • Hamilton was in this category until late 2001 when four positive crows were found in Hamilton. Surveillance occurred for birds, mosquitoes and humans. Communication to the public for bite avoidance, personal protection measures and steps to remove standing water occurred.
Risk 2b	**West Nile virus in bird, mosquito or mammal in jurisdiction in the current year.** • Hamilton was at this level late in 2001 and early in 2002 as birds and mosquitoes were positive for WNV. Surveillance activities, public education and awareness campaign were expanded.
Risk 3	**West Nile virus found in humans in jurisdiction.** • Hamilton reached risk category three in 2002 with the detection of human cases within Hamilton's jurisdiction. Planning for mosquito control activities for 2003 began late in 2002 and included an Integrated Pest Management approach to controlling the disease. The IPM protocol contains options for environmental management, a communication component and options for larviciding.

Currently Hamilton has returned to risk category 2a until surveillance activities resume and the virus is again detected in this jurisdiction. If and when human cases occur in 2003, Hamilton will rise again to risk category three.

There remain many unanswered questions that make it difficult to predict the future prevalence of WNV-related disease in humans. New data on WNV regarding its rate of spread, modes of transmission, and the effectiveness of control measures emerges continually. The proposed WNV program for 2003 is based on the most recent information available. Supplementing educational and source reduction measures with the selective use of larvicides balances the risks of human illness from WNV with environmental concerns from the use of pesticides. Whether additional control measures are needed to reduce the human health risk cannot be predicted at this time.

While the overall population risk of serious illness remains low, Hamilton must prepare for the possibility of substantial human illness in 2003 and beyond. Because certain species of mosquitoes are the key transmitters of WNV to humans, efforts to control viral transmission are best aimed at these mosquitoes. Hamilton deems it prudent therefore, and in keeping with the experience and response of other jurisdictions, to take steps to enhance its mosquito control activities to reduce human exposure to WNV in Hamilton for the 2003 season. This is based on mosquito and bird surveillance data from the 2002 season, that is, data on human illness, the presence of positive mosquito pools, positive birds in Hamilton, and the presence of mosquito larvae in stormwater catch basins in neighbouring health units.

The areas of control through larviciding will concentrate on selected catchbasins and potentially some surface waters. Methoprene is the larvicide of choice for the catchbasins; Bti (*Bacillus thuringiensas* var. *israelensis*) for surface waters.

IPM Protocol for the Control of Mosquitoes to Prevent and Control WNV

This protocol gives guidance for the application of pesticides and is based on an integrated pest management (IPM) approach that incorporates a range of measures in order to minimize impacts on human health and the environment. This protocol will guide decisions on the use of pesticides to control mosquitoes in the City of Hamilton.

The City of Toronto developed this draft protocol in consultation with public health units, Health Canada, the Ontario Ministry of the Environment (MOE) and the Ontario Ministry of Health and Long Term Care (MOHLTC). Since pesticides applied in catch basins may also reach natural bodies of water, the Ontario Ministry of Natural Resources (MNR) will also be consulted as needed. Hamilton was recently added as a participant in the Central East WNV Task Group, comprised of representatives of public health units in and around the Central East region of Ontario. This group has been meeting regularly to develop and evaluate a co-ordinated local public health response to WNV.

Research data and information from other jurisdictions across North America show that storm water catch basins are important breeding grounds for mosquitoes in urban areas, in particular for *Culex pipiens*, the main mosquito involved in the transmission and amplification cycle for WNV. Sampling done in 2002 confirmed that catch basins in Toronto and other Southern Ontario districts are breeding areas for mosquitoes. Catchbasin larval sampling will occur in Hamilton this season.

SPHS proposes the adoption of IPM principles for the WNV program, using a tiered approach to mosquito control. This places first emphasis on preventative approaches that have the least negative impact on human health and the environment, followed by additional methods that are applied only if the initial efforts do not sufficiently reduce mosquito populations. Hamilton wishes to adopt Toronto's approach, where, based on the Canadian National Guidelines, a 3-tier framework is used to guide decision-making on mosquito control for WNV risk management.

Integrated Pest Management (IPM) Framework for WNV

Priority	**IPM Component**	**Examples**
Tier 1 • Tier level in 2000, 2001, 2002. Activities to occur each year WN is present.	Environmental Management & Public Education (See Attachment #1)	• Source reduction by environmental modifications • Surveillance and monitoring of WNV activity • Personal precautions, mosquito avoidance
Tier 2 • Current Tier level for Hamilton for the 2003 season. Human cases are anticipated so additional controls should occur	Larval Mosquito Control (See Attachment #1)	a) Non-chemical methods • Introduction of natural enemies only if not harmful to the natural ecosystem (e.g. fish in sensitive wetlands) • Cleaning of catch basins b) Lowest Impact Larvicides Bacterial agents (e.g. Bti) Chemical agents (e.g. Methoprene)
Tier 3 • Potential Tier level in 2003 should Tier 1 and 2 level measures be unsuccessful	Adult Mosquito Control	Adulticides e.g. Malathion

Tier 1:

The IPM framework emphasizes preventive measures. Surveillance and monitoring activities are undertaken to guide decision-making on the adoption of additional control measures. Educational programs encourage the reduction of mosquito breeding habitats, the adoption of personal protection and mosquito avoidance measures. Tier 1 strategies are the basic tools that are implemented throughout the season even when additional strategies from other tiers are adopted.

Tier 2:

In this framework, Tier 2 strategies aim at reducing mosquito numbers by controlling larvae. Tier 2 strategies are used only when the risk of human disease from WNV is likely and when Tier 1 activities have not reduced mosquito populations sufficiently to address the risk.

Tier 2 identifies three types of interventions: (a) mechanical methods or natural predators; (b) larvicides with the lowest negative impact on the environment; and (c) other larvicides. When available and effective, natural, physical, and mechanical control methods, such as the use of predators or cleaning of catch basins, are generally preferred to other interventions. If these are not available or suitable, or are not capable of sufficiently reducing mosquito populations on their own, then the next preferred choice is use of a larvicide that has the lowest toxicity to humans (primarily an occupational concern) and is most specific to mosquitoes. Finally, there are other pesticides that may be more effective, but may also have greater negative impact on the environment. These may be considered in a situation when other products are not available or effective or if the use of these larvicides would help avoid the need for Tier 3 interventions.

There are a number of biological control mechanisms that capitalize on the natural predators of mosquitoes in the wild. However, experts emphasize that while biological and environmental control methods can be important aspects of any integrated strategy for abatement of mosquitoes, they will rarely function as the sole method of control. (See Attachment 2). The ability of mosquito populations to adapt rapidly to different natural phenomena means that natural control methods are less effective and less predictable than other control methods, particularly in complex environments. In addition, in most cases, there is insufficient information from field studies to determine whether different biological control methods will be sufficiently effective to reduce disease transmission. Finally, the introduction of species that are alien to a particular ecosystem should be done only with the most careful and thorough consideration of possible negative consequences.

Tier 3:

Tier 3 control uses pesticides applied by air or through the use of ultra-low volume sprayers over large areas to control adult mosquitoes. The use of adulticides poses a higher risk to the environment than do larvicides and from the public's perception of risk is the least desirable. The best way to minimize the use of adulticides is to implement Tier 1 and Tier 2 strategies. Thus adulticides will only be considered if Tier 1 and Tier 2 efforts have not been successful in reducing the risk to human health from WNV.

The following section outlines the steps that SPHS would undertake, as found in the IPM framework:

Tier 1:

(1) Surveillance and monitoring: Routine monitoring of dead birds, adult and larval mosquito surveillance, human surveillance, WNV testing in bird, mosquitoes and humans.

(2) If there is the potential for WNV to be transmitted to humans, Tier 1 strategies are the first line of defence. These are implemented when WNV has been detected in sentinel species such as crows and/or WNV has been detected in a neighbouring jurisdiction during the current or previous year. If surveillance data does not indicate a risk, then routine monitoring continues.

(3) Tier 1 activities are implemented. These include the following:

(a) Enhanced surveillance and monitoring: monitoring of dead birds, adult and larval mosquito surveillance, human surveillance, WNV testing in bird, mosquitoes and humans. Areas where mosquito species of greatest concern in the WNV transmission cycle help identify the type of breeding ground of most concern. Mosquito surveillance data, which includes larval dipping, survey of potential breeding sites, reports of standing water, and adult mosquito surveillance data, guide the selection of areas that may need mosquito control.

(b) Environmental management methods: measures such as removal of standing water in artificial containers (e.g., eaves troughs, debris, awnings), improved drainage, exchanging water in birds baths.

(c) Personal protective measures: installation and repair of mosquito screens, avoidance of areas with large numbers of mosquitoes, use of mosquito repellents, and use of long sleeves and long pants.

(d) Education: activities undertaken to encourage the adoption of the above environmental management and personal protective measures as well as promote co-operation with surveillance activities such as reporting of human illness, dead birds, standing water or other mosquito breeding sites. Selection of areas for mosquito control (Step 6):

(4) If the surveillance data in (3) above confirms that a risk of human illness exists in Hamilton, then mosquito control activities are enhanced to Tier 2 (Step 5), otherwise Tier 1 activities continue (Step 3). If data suggests that there is no longer a risk of WNV then emphasis is placed on surveillance and monitoring activities (Step 1)

(5) Consider the adoption of Tier 2 methods to control mosquitoes

Tier 2:

Within Tier 2, two options for intervention have been identified. Using IPM principles, SPHS will give preference to the option that is effective and is of lowest risk to the environment and to humans in terms of occupational exposures or exposures to sensitive individuals. Tier 1 activities continue even with the adoption of Tier 2 methods. Tier 2 outlines the criteria used in the selection of the additional control strategies.

(6) Using data from the surveillance and monitoring, and taking into consideration the experience form other areas in controlling the risk to human health from WNV, identify areas where mosquitoes need to be controlled.

(7) Information on possible natural predators or physical or mechanical methods is evaluated to identify the ones applicable to the specific types of breeding sites. (Examples of physical or mechanical methods include vacuuming or flushing of catch basins, or alteration of water levels in non-ecologically sensitive wet areas.) SPHS will involve appropriate other City departments and stakeholders in the assessment of methods. When choosing a method to control larvae, first consideration is given to the use of mechanical, predators and/or other non-pesticide approaches. If the review indicates that such alternatives are available which are effective, feasible and would not result in adverse or undesirable environmental consequences, then preference is given to these approaches (Step 8). If the review indicates that non-pesticide options are either not available, not feasible, or could result in undesirable environmental consequences, then the use of larvicides is evaluated (Step 11).

(8) City Councillors and the public are advised of the choice of control measures and the selected method of control (natural / mechanical) is implemented.

(9) Using the data from mosquito surveillance, human population densities, and expected cost-effectiveness, the schedules and geographical area for control are determined. Monitoring is also undertaken to assess the effectiveness of the measures adopted. To the extent that it is possible, SPHS and other partners as appropriate will assess any potential environmental impacts.

(10) If non-pesticide methods are effective, then mosquito control monitoring will continue to ensure that mosquito populations remain low (Step 9). If monitoring suggests that these methods do not reduce mosquito populations sufficiently, then consideration will be given to supplementing these using larvicides (Step 11). If these efforts are not effective, they will be discontinued and other methods considered (Step 11).

(11) If alternative methods are not available or do not reduce mosquito populations sufficiently, then consideration is given to the application of larvicides. The following factors are considered when selecting a larvicide:

(a) Available products: Not all products that have been shown to be effective to control mosquitoes are registered for use in Canada. Products that are currently registered for use in Canada and classified in Ontario will be chosen.

(b) Human toxicity: Preference will given to products that have been recently reviewed and are the least likely to pose a poisoning hazard to humans (primarily an occupational concern) and are not known or suspected to cause adverse long-term health impacts such as cancer, birth defects, nervous system disorders.

(c) Environmental impacts: Preference will be given to products that have been recently reviewed and are shown to be least persistent in the environment and least likely to have an adverse effect in the environment (wildlife, birds, fish, other aquatic organisms, other non-target species)

(d) Efficacy: Different species of mosquitoes have varying susceptibility to specific pesticides. Residual activity of the formulation can also impact the efficacy of a certain product. Preference will be given to products that are of low human and environmental toxicity (as determined in b) and c) above), have sufficient residual activity, and are the most effective for the targeted species.

(e) Resistance: The continual use of the same pesticide over large areas and for multiple years can build resistance in the target species. Preference will be given to products that are least likely to build resistance and products will be rotated as needed to limit any build-up of resistance.

(f) Location: Consideration will be given to the type of breeding site that is targeted, for example natural habitat or catch basin. Not only does the type of habitat determine the species of mosquitoes present (see d) above), it also has an impact on the choice of application method and potential adverse effect on non-target organisms and the environment. Preference will be given to products that are most effective and easily applied and that are the least likely to cause adverse effects on human health or the environment.

(g) Logistics and feasibility: Such factors such as the number of times a product would need to be applied, the method of application, permit requirements, timelines, and the need for special measures have an impact on the feasibility of using a certain product. Preference will be given to products that have the lowest potential of adverse effects to human health and the environment, but if two products have similar impacts, then the product that is the most easily applied will be favoured.

(h) Cost of product and application: The cost of various available products, including the cost of application, will be considered. Preference will be given to products that have the lowest potential for adverse effects to human health and the environment, but if two products have similar impacts, then the lower cost of these will be favoured.

Using these considerations, the pesticide (larvicide) that has the lowest negative impact on health and the environment and that can effectively control mosquitoes in the location of concern (for example, catch basin or wetland) is chosen (Step 12). If there are no low-impact alternatives available, then other control options are considered (Step 16)

(12) Using the data from mosquito surveillance, the schedules and geographical area for the application of pesticides are determined. Adequate public notification is also part of the requirements for applying pesticides for mosquito control. This involves advising the public through newspaper or radio advertisements or other appropriate means at least 48 hours, but no more than 7 days, in advance of the nature of the treatment. SPHS will provide MOE with plans and copies of any proposed notification at least 7 days in advance of any pesticide application. Once the public notification plan is approved and the scheduling finalized, SPHS will advise Council, and specifically the councillors of the affected Wards of the specific plans in advance of public notification.

The implementation of the SPHS plan for mosquito control will take into account a number of factors, such as the following:

(a) Population peaks of mosquitoes during the season: The most important mosquito vectors for the transmission of WNV to humans in Hamilton are *Culex pipiens* and *Aedes vexans*. The peak number of adult *Culex pipiens* mosquitoes occurs in early August and the peak number of *Aedes vexans* occurs in mid August. In 2002, close to 40% of mosquitoes trapped in Hamilton were *Culex* species.

(b) Optimum time for mosquito control intervention: To reduce the peak numbers of *Culex pipiens* and *Aedes vexans*, the application of larvicides must be timed to occur prior to these peaks. The exact dates and areas to be treated are set according to the type of pesticide used, mosquito surveillance data and weather information.

(c) Nature of the habitat of the mosquitoes to be targeted: The pesticide used may differ depending on the type of habitat and the effectiveness of the product to control mosquitoes that breed in different habitats. Habitat may also influence the method and timing of application.

(d) Product application: If conditions are favourable, larvicides will be applied by a contracted pesticide applicator for the 2003 season. City staff could take on this role if Hamilton decides to build a sustainable infrastructure for mosquito control, a plan to consider for next year, depending on a cost-benefit analysis of the two options. Regardless of who performs the applications, application must follow provincially mandated and recommended guidelines that govern the approved use of pesticides. In addition, SPHS will write into the plan any additional safety measures that may be deemed necessary based on the advice of the City's occupational health and safety staff, conservation authorities and other appropriate stakeholders. Provision for an on-going evaluation of the application of larvicides in catch basins is part of a process of continuous quality assurance. The details are currently being determined in conjunction with the Central East WNV Task Group.

(13) Evaluation of effectiveness: An evaluation of the effectiveness of the mosquito control program will be carried out partly by the applicators themselves and/or by an auditing group comprised of full time specialized summer staff. The MOE recommends an evaluation of the number of larvae in a body of water pre- and post-pesticide application. This gives an immediate indication of whether the pesticide has effectively controlled the mosquito larvae.

A long-term assessment of a larviciding program's effectiveness in reducing mosquito populations would require a more thorough environmental study than the data obtained from pre- and post-application monitoring. The evaluation of ecological impacts and potential negative impacts on sensitive non-target species would also be desirable. However, the scale of this type of evaluation is beyond the expertise and resources of Hamilton and should be taken on by the province or the federal authorities.

SPHS will work with relevant City departments and local conservation authorities to assess any potential environmental impacts of applying larvicidal products to storm water catch basins, particularly where water from these basins flows directly into natural bodies of water.

(14) If mosquito monitoring data shows that the application of the larvicide has been effective, then monitoring is continued (Step 13). If it has not been effective, then the need to re-apply is considered (Step 14).

(15) If the evaluation determines that re-application of the pesticide is feasible and would likely be effective, then a decision is made to re-apply (Step 12). If not, further control measures are considered (Step 16)

(16) If low-impact pesticides are not available or have not been effective, then consideration is given to other areas where mosquitoes breed that may need to be controlled (Step 6).

(17) Tier 3 interventions are considered only when control of mosquito larvae is no longer an option to prevent human illness and the spread of WNV. Tier 3 protocols are being developed jointly with other health units in Ontario and in consultation with the Ontario Ministry of Health and Long-term Care and Health Canada.

Selection of the Appropriate Control Strategies:

Tier 1 strategies are the first line of defence and are used if there is the potential for WNV to be transmitted to humans. It is implemented when WNV has been detected in sentinel species such as crows and/or detected in neighbouring jurisdictions. Tier 1 strategies were used in 2002 and will continue to be used throughout the 2003 WNV season.

Tier 2 strategies are considered when the risk of WNV related disease in humans is known to occur. Given that there were human cases of WNV in Hamilton in 2002, the risk of human disease from WNV in 2003 is considered significant. SPHS is therefore recommending that Tier 2 strategies be considered to control mosquitoes during the 2003 WNV season. Within Tier 2, two options for intervention have been identified. SPHS will give preference to the option that is most effective and is of lowest risk to human health and the environment.

Tier 3 control measures are the least desirable because of the potential of adverse effects especially to the environment. Thus, they will only be considered when Tier 1 and Tier 2 efforts have not been successful in reducing the risk to human health from WNV. Specific details are still under discussion and will be reported to Council in Spring 2003.

Specific Considerations for Mosquito Control Measures:

(a) Nature of the Mosquito Habitat to be Targeted (Step 6)

There are many types of areas where mosquitoes breed. In Hamilton, mosquito-breeding areas exist in natural bodies of water and artificial or human-made collections of standing water. Natural bodies include lakes, ponds, and wetlands. Artificial collections of standing water where stagnant water may collect include containers (e.g. buckets, rain barrels, boxes), coverings (e.g. tarps, pool covers, awnings), and water management systems (e.g. retention ponds, storm water catch basins). A primary strategy to reduce the risk of WNV is to encourage residents and businesses in Hamilton to prevent mosquitoes breeding on their properties by addressing these breeding sites.

Natural areas require special consideration from the standpoint of preserving ecosystems. *Culex pipiens*, the mosquito that is the main vector of WNV, prefers to breed in small containers and areas such as stormwater catch basins. The application of pesticide products directly to natural water bodies and wetlands is not planned for 2003 because the associated extensive preparatory work has yet to be undertaken. Based on review of surveillance data in 2003, SPHS will consider whether or not the City's mosquito control efforts will need to be expanded to natural areas that are adjacent to populated urban areas in 2004. Should SPHS consider this necessary, City staff will consider IPM strategies when treating natural bodies of water and wetlands in the City, including the use of natural predators such as specialized fish. However, no chemical mosquito control interventions will be undertaken in these areas without an impact assessment and consultation with Council, other city departments, the appropriate provincial ministries, and other stakeholders, especially conservation authorities.

More information on the use of natural predators is found in Attachment 2.

Stormwater catch basins are designed with a well below the surface opening. This well collects sediments and other debris and helps smooth the flow of water during a rain event. Surveillance in Toronto, Halton, London and other health jurisdictions confirmed that storm water catch basins harbour mosquito larvae. Given that catch basins are important breeding grounds that are directly under the City's control, SPHS recommends larviciding selected catch basins (approximately 50,000 in the urban areas of the city) in 2003.

(b) Choice of Control Measures

(i) Environmental management (Step 7)

Various non-chemical methods have been considered (and some tested) for catch basins, including flushing, vacuuming and the injection of air or steam. Monitoring in 2002 in Toronto showed no long-term impact on the number of larvae, which returned to pre-cleaning levels after a few days. Catch basins would therefore need regular cleaning (every two weeks). This would be extremely labour intensive and require the acquisition of a large amount of new equipment.

The flushing of catch basins involves hosing water into the storm sewer system and thus replacing the water in them with fresh water, much as would happen after a heavy rain. This will disturb the larvae causing them to be washed away. However, this would also disturb the sediment that has accumulated in the wells, which can release pollutants into the storm sewer system and, in some cases, directly into streams and other bodies of water with no long-term impact on the number of larvae. In theory, regular flushing could reduce the number of larvae, however regular flushing would be required.

Some devices are being developed to control mosquitoes without the use of pesticides. For example, Larvasonic is a device that uses sound waves to kill larvae. This tool is in the process of being commercialized and has been tested in Quebec, although we have not independently ascertained its effectiveness. However, it is not well suited to use in Canadian style catch basins – each lid must be lifted which would greatly increase staffing requirements and associated costs.

A major disadvantage of these physical methods described above is that they do not have any residual action and must be used repeatedly to effectively reduce the number of larvae. SPHS will continue to explore these and other mechanical options so as to avoid discharge of chemical larvicides into natural watercourses.

(ii) Natural Predators (Step 7)

A recent review by Toronto Public Health demonstrated that the mosquito fish *Gambusia affinis* has been used successfully in some situations in the United States, but never in catch basins. No effective Canadian mosquito eating fish has yet been identified. Given that the *Gambusia* is not native to Canada, there are ecological risks to introducing this predator. In addition, given the low quality of water in catch basins it is unlikely that fish would survive long enough to effectively control mosquito larvae. As well, it is likely that the fish would be transported out of the catch basins after a rain, which would require regular restocking.

Although dragonfly larvae or naiads also eat mosquito larvae, there is no data on their suitability in catch basins. However, the low quality of water in catch basins is likely to limit the viability of the dragonfly naiads plus the fact that rains would wash them away.

(iii) Low-impact pesticides (Step 11)

In cases where non-pesticide alternatives are not able by themselves to sufficiently reduce mosquito populations, SPHS has considered supplementing these methods with the use of the lowest-impact pesticide available. The choice of product can be guided by the criteria listed within this document. Using these criteria, the Central East working group have determined that two pesticides are considered acceptable in terms of availability, efficacy, human health impact and environmental impact: *Bacillus thuringiensis* var. *israelensis* (Bti) and methoprene (see Attachment 3).

An IPM approach first considers if a natural product is available. Bti is a biological pesticide that has the fewest adverse impacts on human health and the environment compared to other pesticides. However, data suggest that it is less effective against *Culex pipiens* (the most common species found in catch basins) than other products. In addition, given that a long-lasting formulation is not available in Canada, Bti would need to be applied more often to effectively reduce the number of larvae. Another biological pesticide currently used in the United States is *Bacillus sphaericus*. It is more effective against *Culex pipiens*, however it is not registered for use in Canada.

Of the other products available in Canada, methoprene has very low toxicity for humans and has fewer potential adverse impacts on the environment than other pesticides. It is available in a longer-lasting formulation and is effective against *Culex pipiens*, thus making it suitable for controlling mosquitoes in catch basins. At this time, SPHS is not considering the use of other products to control mosquito larvae because of their higher potential for toxicity to humans (particularly occupational) and the environment. However, SPHS could consider the use of low-impact pesticides under Federal experimental-use permits as appropriate or others if and when they become available in Canada.

(c) Application of control measures (Steps 8 & 12)

Implementation of mosquito control measures will take into account a number of factors, such as the following:

(i) Population peaks of mosquitoes during the season
(ii) Optimum time for mosquito control intervention
(iii) Nature of the habitat of the mosquitoes to be targeted
(iv) Product applicators: availability, reliability, safe application and quality assurance
(v) Evaluation of effectiveness and environmental impact

(d) Communication (Steps 8 & 12)

The Pesticides Act requires that public notice be provided in advance of any application of pesticides in residential areas. A public communications plan must be submitted to the MOE for approval. Before any decision is made to apply pesticides, SPHS will consult with the Ministry and develop an appropriate communications strategy designed for maximum reach to all Hamilton residents. In addition to paid advertising, this strategy will make use of all available outlets and channels, including the City's web site and all public service announcement vehicles. Resources will also be made available in advance to the councillors of the appropriate wards to assist in responding to inquiries from residents.

(e) Evaluation (Steps 9 & 13)

Larval and adult mosquito surveillance will provide an indication of the immediate effectiveness of control. A long-term assessment of the effectiveness of the use of larvicides on mosquito populations would require a more thorough environmental study. An evaluation of the environmental impact of larviciding would be on a similarly large scale and is beyond the expertise and resources of SPHS. Discussions have occurred with McMaster Institute of Environment and Health for a potentially smaller scale evaluation.

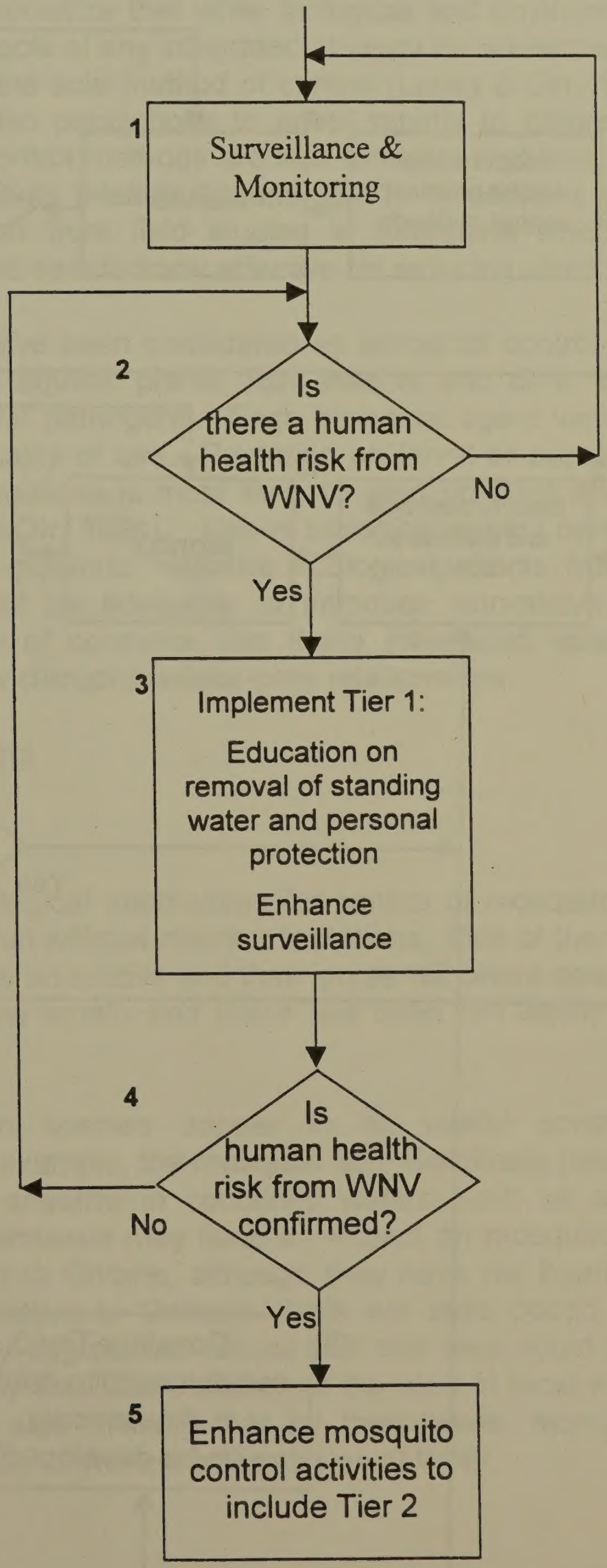
List of Attachments:

Attachment #1	Flow Charts for the Control of Mosquito Larvae to Prevent the Spread of WNV Using Integrated Pest Management Principles
Attachment #2	Alternative Methods of Mosquito Control
Attachment #3	Comparison between Bti and Methoprene

Attachment #1

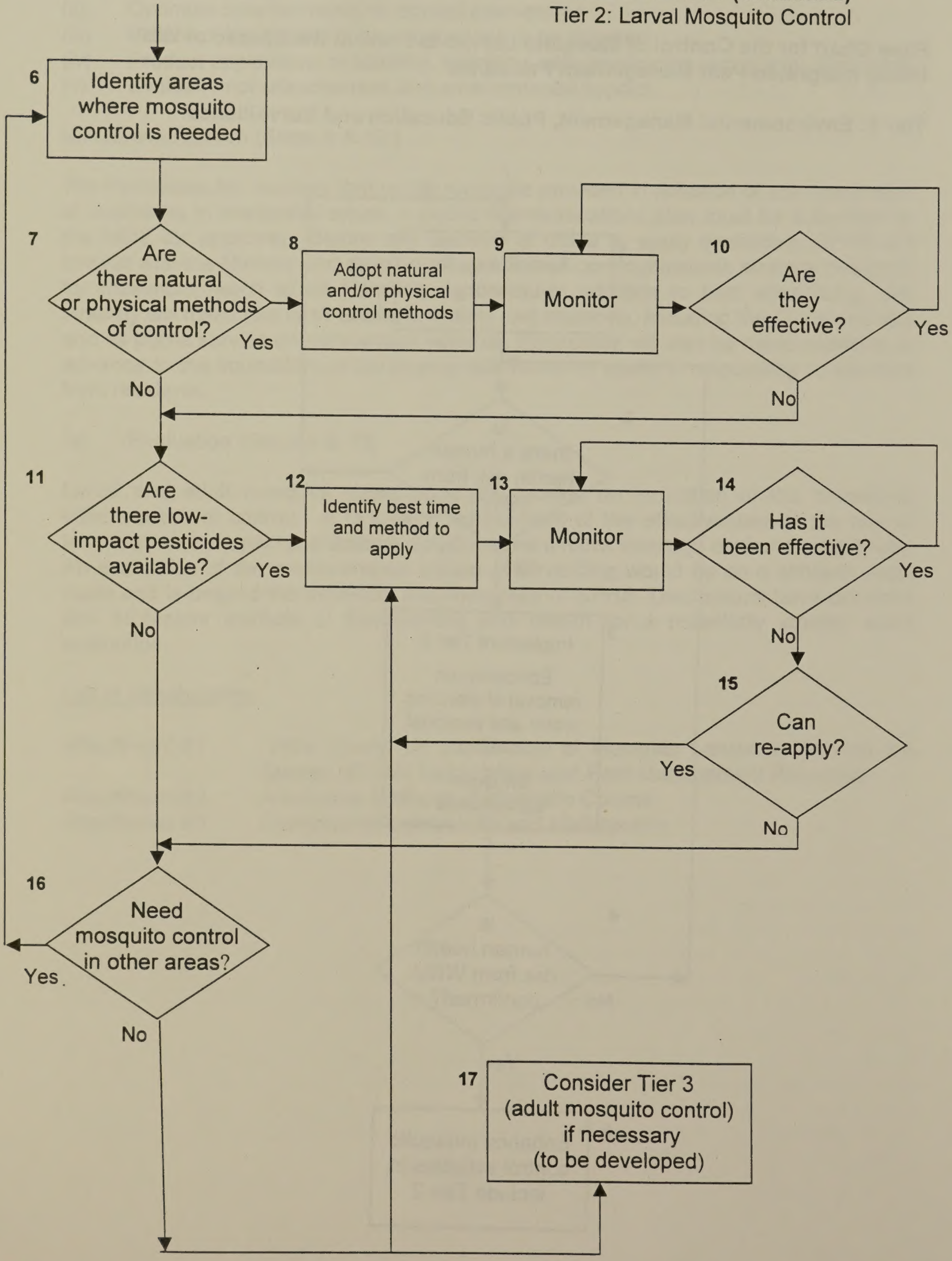
Flow Chart for the Control of Mosquito Larvae to Prevent the Spread of WNV Using Integrated Pest Management Principles

Tier 1: Environmental Management, Public Education and Surveillance


1
Surveillance & Monitoring
2
Is there a human health risk from WNV?
No
Yes
3
Implement Tier 1:
Education on removal of standing water and personal protection
Enhance surveillance
4
Is human health risk from WNV confirmed?
No
Yes
5
Enhance mosquito control activities to include Tier 2

Attachment #1 (continued)

Tier 2: Larval Mosquito Control


6
Identify areas where mosquito control is needed
7
Are there natural or physical methods of control?
Yes
No
8
Adopt natural and/or physical control methods
9
Monitor
10
Are they effective?
Yes
No
11
Are there low-impact pesticides available?
Yes
No
12
Identify best time and method to apply
13
Monitor
14
Has it been effective?
Yes
No
15
Can re-apply?
Yes
No
16
Need mosquito control in other areas?
Yes
No
17
Consider Tier 3 (adult mosquito control) if necessary (to be developed)

Attachment # 2

Alternative Methods of Mosquito Control

In terms of alternatives, research has identified a number of biological control mechanisms that capitalize on the natural predators of mosquitoes in the wild. However, experts emphasize that while biological and environmental control methods can be important aspects of any integrated strategy for abatement of mosquitoes, rarely will they function as the sole method of control (Lacey & Orr, 1994; NYCDOH, 2001). The ability of mosquito populations to adapt rapidly to different natural phenomena means that natural control methods are less effective and less predictable, particularly in complex environments (Health Canada, 2001). In addition, in most cases, there is insufficient information from field studies to determine whether different biological control methods will be satisfactorily effective for reducing disease transmission.

Several organisms have been considered as biological control agents for mosquitoes. They include certain aquatic plants, fish, insects and other invertebrate organisms, parasites and bacterial pathogens. Each biological agent varies in terms of efficacy, feasibility and practicality of use. Predation on larval or pupal stages (versus egg or adult stages) of mosquitoes is most likely to yield greatest effects on adult mosquito populations (Lacey & Orr, 1994). Use of biological control methods must also include consideration of the potential negative ecological effects from altering the species balance. It would not be advisable to introduce non-native species that prey on mosquitoes because of concerns that these introduced species might outcompete indigenous species or disrupt predator-prey relationships.

Larval mosquito control

Predators:

There are some biological alternatives for control of mosquitoes at the larval stage. However, these are not without inherent limitations. One of the major challenges is that mosquitoes are highly adaptable and their larvae will breed easily in temporary pools of water (no matter how small) and these are often not easily accessible in a timely manner.

Some predator fish species appear to be useful control agents in specific circumstances. For example, the mosquito fish, *Gambusia* (also known as the fathead minnow) has been effective in contained waters such as artificial and stormwater retention ponds. *Gambusia* may have an impact on mosquito populations and could probably be adapted to Ontario, although they have not been used here before. As *Gambusia* are not native to Canada, there are risks posed from their introduction. *Gambusia* are highly aggressive, fecund fish and they could out-compete native fish species. It is unlikely that *Gambusia* could be used in local wetlands or other natural waterways. It is also unlikely that by themselves, mosquito fish would control mosquitoes sufficiently to prevent transmission of WNV.

While dragonfly naiads (larvae) are known to feed on mosquito larvae from container breeding experiments, this is described as a highly labour-intensive and therefore costly larval control effort for field application (Lacey & Orr, 1994). There has been some research on other organisms and parasites; however, there is minimal research on their effectiveness in the Canadian climate and they do not seem to be commercially available in Canada.

Mechanical devices:

Various devices are being developed as alternatives to pesticides. For example, Larvasonic is a device that uses sound waves to kill larvae by destroying the swim bladder. This tool is in the process of being commercialized and has been tested in Quebec although we have not independently ascertained its effectivesness. However, it is not well-suited to use in Canadian style catch basins, as each lid must be lifted. As well, there is no residual activity, meaning that effective control needs repeated application, greatly increasing the need for labour.

Larvicidal oils or films:

Larvicidal oils or monomolecular films can be considered a physical method of controlling larvae. They work by creating a small film of oil on the surface of the water which then prevents larvae from breathing through the surface. These products work well where the film will not be destroyed by the movement of water, however they do have an impact on other aquatic life and are unaesthetic. Larvicidal oils are not currently registered for use in Canada.

Adult mosquito control

For control of adult mosquitoes the list of possible biological agents is short. Many organisms eat mosquitoes (e.g. bats, birds, dragonflies among others) but typically most would not lead to an appreciable control of adult populations. For a biological control agent to influence transmission of disease by mosquitoes, it should provide more than just partial control. Generally use of these predators alone is not very effective.

There is a longstanding misconception that purple martins are useful for mosquito control. Other studies have come to similar conclusions. Martins and mosquitoes are not active at the same time or same location: martins are active during the day and feed high in the sky, while mosquitoes stay low in damp places during the day, or only come out at night.

Dragonflies do eat mosquitoes, however they also are active during the day whereas mosquitoes are most active at dusk and dawn. In addition, dragonflies are normally resident in larger ponds and creeks that do not support large populations of mosquitoes; therefore one cannot rely on natural dragonfly populations to control mosquitoes to any large extent. Dragonflies have been used in some areas for nuisance mosquito control. Review of the efficacy of the use of dragonflies for mosquito control indicates that they do not result in sufficient adult mosquito mortality for controlling the spread of mosquito-borne disease (NYCDOH, 2001).

Bats are also natural mosquito predators. However, research indicates that their primary food items are larger insects such as beetles or moths (Anthony & Kunz, 1977; Whitaker, 1972). It is not clear whether the urban environment provides enough other insects to sustain an enhanced population of bats. Enhancing the existing population of bats is of potential concern since bats can carry rabies.

Physical or mechanical devices:

Mosquito magnets or mosquito traps emit CO_2 or other chemicals which attracts mosquitoes. A fan or vacuum then sucks mosquitoes into the trap once they hone in on the device. They appear to collect a lot of mosquitoes, but no one has shown that they effectively reduce the number of mosquitoes or the number of bites in a backyard setting. Most claims that electronic devices control mosquitoes are not bona fide. For example, bug zappers kill a lot of insects, including beneficial ones, but are not particularly effective against mosquitoes alone (Frick & Tallamy, 1996).

References:

Anthony, E.L.P. and T.H. Kunz. 1977. Feeding strategies of the little brown bat *Myotis lucifugus*, in southern New Hampshire. Ecology 58(4): 775-786.

Frick, T.B. and Tallamy, D.W. 1996. Density and diversity of non-target insects killed by suburban electric insect traps. Entomological News (2): 77-82.

Health Canada. 2001. Municipal Mosquito Control Guidelines. Prepared by Roy Ellis, Prairie Pest Management. First revision May 2001.

Kale, H.W. 1968. The Relationship of Purple Martins to Mosquito Control. The Auk 85(4): 654-66, Reprinted in Purple Martin Update 2(3), 1990: 10-13.

Kerwin, J. L. 2002. Lagenidium giganteum. In Biological Control: A Guide to Natural Enemies in North America, edited by Weeden, C.R. et al. Accessed January 3, 2003 <http://www.nysaes.cornell.edu/ent/biocontrol/pathogens/lagenidium_giganteum.html>

Lacey, L.A. and Orr, B.K. (1994) The role of biological control of mosquitoes in integrated vector control. American Journal of Tropical Medicine and Hygiene 50(6) Suppl: 97-115.

NYCDOH. 2001. Alternatives (Chapter 3.U). Iin Adult Mosquito Control Programs: Final Environmental Impact Statement. New York City Department of Health, NY. Accessed November 27, 2002 <www.nyc.gov/html/doh/html/wnv/feis.html>.

Purple Martin Conservation Association. (n.d.) Attracting and Managing Purple Martins. Martin Biology. Accessed January 3, 2003 <http://purplemartin.org/main/mgt.html>.

Whitaker, J.O., Jr. 1972. Food habits of bats from Indiana. Can. J. Zoology 50(6): 877-883.

Attachment #3

Comparison between Bti and Methoprene

Of the larvicides currently registered for use in Canada, two are considered or low-impact pesticides: *Bacillus thuringiensis* var. *israelensis* (Bti) and methoprene. A short summary on the properties of methoprene, the pesticide that has been selected for use in catch basin in Hamilton in 2003, is provided below. Table 1 compares Bti and methoprene.

Methoprene

(a) Human Toxicity

Methoprene is a synthetic mosquito growth hormone, which is variously described as a biorational or biochemical pesticide. It controls mosquito populations by preventing the larvae from becoming adults. Methoprene is of low toxicity to people (U.S. EPA, 1991; PMRA, 2001). It has very low acute oral, dermal and inhalation toxicity potential and is not an eye or skin irritant, nor is it a human-skin sensitizer. Toxicological screening tests have not found any significant adverse toxicological effects. The necessary safety precautions, such as wearing gloves, will be taken to minimize exposure to the applicators. The use of methoprene in the City's catch basins is unlikely to pose an exposure risk to the general public.

(b) Environmental Impacts

Methoprene and other pesticides that are applied directly to water are classified as "Restricted" by the Pest Management Regulatory Agency (PMRA) and by the Ontario Pesticides Advisory Committee (OPAC). Because methoprene has a non-toxic mode of action, that is, it does not kill the larvae but prevents their maturation into adults, it has relatively low impact to the environment and is generally of low ecological toxicity. Methoprene breaks down quickly in water particularly in the presence of sunlight and microorganisms. Although it is non-persistent, water quality, salinity and temperature influence its level of activity. It is moderately to slightly toxic to some fish species. It is highly toxic to certain aquatic invertebrates (e.g. benthic organisms, which live at the bottom of a lake) however, effects observed were temporary and invertebrate populations have shown rapid recovery a short time after methoprene treatments. The above potential adverse effects are of limited concern given that SPHS is recommending that applications using methoprene for the year 2003 be restricted to storm water catch basins, and that between the natural break down of methoprene and the large dilution factors should it enter a receiving body of water, it would not be expected to impact a receiving body of water.

Methoprene is available in long-lasting formulations that make it more effective, but may have some impact on other insects and aquatic life. The potential for effects from application of larvicidal products to catch basins that flow directly into natural bodies of water (that is, the "yellow fish" catch basins) will be assessed prior to applications in these particular catch basins. SPHS will work with other City departments and local conservation authorities to assess any potential environmental impacts of applying larvicidal products to storm water catch basins, particularly where water from these basins flows directly into natural bodies of water.

Table 1 - Comparison Between Bti and Methoprene

Active Ingredient	Type & Mode of Action	Human toxicity	Ecological toxicity	Pros	Cons
-Bacillus thuringiensis var. Israelensis (Bti) -(Sold as Vectobac)	-Bacteria Contains protein crystals (delta endotoxin) that rupture digestive cells when ingested by larvae -Applied in granular or liquid form	-ACUTE: No human organ toxicity (high dosage) -CHRONIC: No known reproductive, teratogenic, mutagenic or carcinogenic effects	-Non-toxic to wildlife and organisms in sensitive areas -Can affect other insect species -Low persistence in water (binds to organic debris)	-Lowest ecological toxicity -Low risks for non-target species	-Less effective for control of *Culex* species (40% kill rate)∴ high doses needed -No slow release formulations ∴ requires more frequent applications (8 to 10 per season) -Limited treatment window available (optimal benefits from applying to 2nd or 3rd larval instars)
Methoprene (Sold as Altocid)	-Insect growth regulator -Synthetic insect hormone Prevents metamorphosis from pupa to adult -Applied as slow release granules or pellets	-ACUTE: Oral LD_{50} (rats) 34600 mg/kg Toxic to human liver (high dosage) -CHRONIC: No known reproductive, teratogenic, mutagenic or carcinogenic effects	-Low toxicity to birds, wildlife -Moderately toxic to fish Highly toxic to some invertebrates if misused -Non-toxic to bees, but can affect other insect species -Low persistence in water (half-life 30 to 40 hr)	-Available in slow-release product (about 3 wks) -fewer applications needed -High efficacy (up to 100%) against *Culex* species	-Must be applied when larvae are in 2nd, 3rd or 4th instars -Not for use in waters which are fish and wildlife habitat -Cannot be certain of effectiveness until too late to re-treat

References:

Glare, T.R. and O'Callaghan, M. 1998. Environmental and health impacts of Bacillus thuringiensis israelensis. Prepared for the New Zealand Ministry of Health, Wellington.

Glare, T.R. and O'Callaghan, M. 1999. Environmental and health impacts of the insect juvenile hormone analogue S-methoprene. Prepared for the New Zealand Ministry of Health, Wellington.

PMRA. 2001. Fact Sheet on the Use of Methoprene in Mosquito Control Programs. Health Canada, March 2001 Accessed December 2002 <http://www.hc-sc.gc.ca/pmra-arla/english/pdf/fact/fs_methoprene-e.pdf >

U.S. EPA. 1991. Methoprene. R.E.D. Facts. 738-F-91-104, March 1991. Accessed December 2002 at: <http://www.epa.gov/REDs/factsheets/0030fact.pdf>_In review of the implications to the Public's health and the urgency in which West Nile virus is expanding, there are no alternatives. This program is of vital importance and necessary in order to take all actions to protect the public's health and reduce the risk of exposure to West Nile Virus.

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MUNICIPAL DOCUMENT

City of Hamilton

AGENDA

COMMITTEE OF THE WHOLE 03-006

Tuesday, March 4, 2003

9:30 a.m.

Council Chamber
Hamilton City Hall
71 Main Street West
Hamilton, Ontario

Kevin C. Christenson
City Clerk

Please note: All cellular telephones and pagers to be switched to a non-audible function during Council and Committee meetings.

Agenda available on-line at www.hamilton.ca
(click on "City Government")

1. DECLARATIONS OF INTEREST

2. ADOPTION OF MINUTES

2.1 February 18, 2003

3. DELEGATION REQUESTS

3.1 Request to address the Hearings Sub-Committee by Brian Decker respecting Hamilton Tennis Club/International Tennis Federation Futures Tournament

4. CONSENT ITEMS

4.1 Quarterly Status Report on Use of Policy #10 - Emergency Purchasing and Policy #11 - Negotiations for the 4th Quarter 2002 (FCS02105(b) (City Wide)

4.2 Monthly Status Report of Tenders and Requests for Proposals for January 2003 (FCS03053) (City Wide)

4.3 Demolition Permit - 996 Rymal Road East (PD03044) (Ward 6)

4.4 Demolition Permit - 112 Wexford Avenue North (PD03043) (Ward 4)

4.5 Sign Variance Application SV-02-04 for 329 Parkside Drive (Former Town of Flamborough) (Pd03047) (Ward 15)

4.6 Waterdown Business Improvement Area (B.I.A.) - Revised Board of Management (PD03045) (Ward 15)

4.7 Waterdown Business Improvement Area (B.I.A.) - Proposed Budget and Schedule of Payment for 2003 (PD03046) (Ward 15)

4.8 Temporary Closure for Slainte Irish Pub - St. Patrick's Day, Street Festival - Monday, March 17, 2003 (TOE03033) (Ward 2)

4.9 Intersection Control - Intersection of Hawkswood Trail and Kittyhawk Drive (East Intersection) (TOE03024) (Ward 8)

4.10 All Way Stop Request - Province Street at Central Avenue (TOE03025) (Ward 4)

4.11 Stop Sign Installation - Southbrook on the Green Subdivision (Phase 2 & 3) (TOE03026) (Ward 11)

4.12 Request for All-Way Stop Control - Binkley Road and Mineral Springs Road (TOE03027) (Ward 14)

4.13 Stop Sign Installations - Valridge Drive at Tranquility Avenue - Meadowbrook Manors 3B Subdivision (TOE03028) (Ward 12)

4.14 Tree Removal Request - Seabreeze Crescent from Glover Access Road to McNeilly Road (TOE03029) (Ward 11)

4.15 Filming Contract Request - Auchmar Estate - Brewster (BHH) Productions Ltd. (CS03012)

5. PRESENTATIONS

5.1 Connect Hamilton - Create Community Project (FCS03057) (City Wide)

5.2 Land Application of Biosolids/Nutrient Management Act (TOE03035) (City Wide)

DISCUSSION ITEMS

6. CITY MANAGER

None

7. COMMUNITY SERVICES

7.1 Proposed Playfield Sub-Committee (CS03009) (City Wide)

7.2 Declaration of Surplus Property; By-law to Stop-up, Close and Sell; Offer to Purchase - Public Walkway between 166 & 170 St. Andrews Drive, Hamilton (CS03013) (Ward 5)

8. CORPORATE SECRETARIAT

None

9. ECONOMIC DEVELOPMENT

None

10. FINANCE AND CORPORATE SERVICES

10.1 Development Charges Study (FCS03051) (City Wide)

10.2 Municipal Elections Act Amendments (FCS03038) (City Wide)

10.3 Extend Local Calling (FCS03054) (City Wide)

10.4 "Standard and Poor's 2003 Credit Rating" (FCS03048) (City Wide)

10.5 Contractual Enforcement Services for 2002 - 2003 (FCS03027) (City Wide)

11. HUMAN RESOURCES

None

12. PLANNING AND DEVELOPMENT

12.1 Our Downtowns and BIAs - 2002 Annual Report and 2003 Downtown Renewal Division Work Plan (PD03042) (City Wide)

12.2 Niagara Escarpment Plan Amendment No. 71 - Lands affected within the former Town of Flamborough (PD03041) (Ward 15)

13. SOCIAL AND PUBLIC HEALTH SERVICES

None

14. TRANSPORTATION, OPERATIONS AND ENVIRONMENT

14.1 Urban Transportation Showcase Program (TOE03034) (City Wide)

14.2 Hamilton Street to Waterdown Wastewater Treatment Plan Sanitary Sewer Upgrade Class Environmental Assessment (EA), Schedule B (TOE03031) (Ward 15)

15. JOINT DEPARTMENTAL REPORTS

15.1 Collection of Personal Information at Residential Care Facilities (FCS03020/PD03029/SPH03001)

15.2 Keys to the Home - A Housing Policy and Plan for Hamilton: Terms of Reference (PD03026/SPH03005) (City Wide)

16. REPORTS BY SUB-COMMITTEES

16.1 Audit Sub-Committee 03-001 (to be distributed)

16.2 HMRF/HWRF Pension Administration Sub-Committee (to be distributed)

17. REPORTS BY THE VOLUNTEER CO-ORDINATING COMMITTEES

None

18. ITEMS REFERRED BY CITY COUNCIL

None

19. MOTIONS

None

20. NOTICES OF MOTIONS

None

21. GENERAL INFORMATION

None

22. PRIVATE AND CONFIDENTIAL

22.1 Licensing Code (Adult Entertainment Parlour) By-law amendment (LS03007) (City Wide)

22.2 Redevelopment and Operation of Wentworth Lodge (SPH02020(b))

23. ADJOURNMENT

OUTSTANDING BUSINESS

	Issue	Date Action Initiated	Lead Dept/Div	Status	Agenda Item
A.	Report on Colliers Recommendations – HECFI Facilities	March 28/01	Community Services		2002 - Q1
B.	Demolition of 226 Avondale Street	April 25/01	N/A		TABLED by Ward Councillor
C.	Toll for Red Hill Creek Expressway	Nov 21/01	TOE/Finance	Staff to bring a report back on option for tolling Red Hill Creek Expressway	Awaiting Provincial Regulations
D.	Aquafit Seniors/Disabled Fees	March 5/02	Community Services	Staff to prepare critical analysis	
E.	Council Communication - Residential Care Facilities	Jan. 23/02	Social and Public Health Services	Referred to staff for comments	
F.	Strategy to attract Factory Outlet stores	Feb. 13/02/further updated on August 6/02	Economic Development	Staff to bring implementation plan to Committee	
G.	Strategy for prioritizing abandoned industrial and commercial warehouse structures	Feb. 13/02 Aug. 13/02 follow-up request made	CMT	Staff to bring implementation plan to Committee	

	Issue	Date Action Initiated	Lead Dept/Div	Status	Agenda Item
H.	Remuneration and Expenses	March 5/02	Finance and Corporate Services	Staff to report back in future reports highlighting offsetting revenues which create a net expenditure, consultation with Councillors, indication of expenses authorized as Council expenses	March 2003
I.	Pest Control	May 7/02	Planning and Development	Staff to report back on control of pests/rodents prior to demolition permit issued	
J.	Hannon Post Office	May 7/02	Corporate Secretariat	Staff to report back on possibility of address changes that align with telephone exchanges	
K.	Correspondence from Hamilton District Labour Council/HUC Corporation Position Paper	Apr. 30/02	F&CS and HUC	Staff to bring report back	
L.	HR Matters	May 7/02	Economic Development	Staff to report back	
M.	Options for returning profits - Hydro	June 10/02	Finance and Corporate Services	Staff to report back with options for returning profits	
N.	Capital Program to modify mountable curb driveway approaches	July 2/02	TOE	Three sections tabled pending public consultation	

	Issue	Date Action Initiated	Lead Dept/Div	Status	Agenda Item
O.	Uncovered crossovers on highways	August 6/02	Risk Management and Legal	Staff to bring report back on uncovered crossovers on highways	
P.	Delivery of ambulance services, response times, standards, dispatch	August 6/02	Chief Peace	Staff to bring report back on status of delivery	
Q.	Floating Casino - West Harbour	August 13/02	Legal Services	Staff to report back on feasibility of securing a casino license for floating casino	Nov./02
R.	Downtown cleanliness	August 13/02	TOE	Staff to report back on how much it cost to keep the downtown clean prior and during FCM	
S.	Correspondence from Mr. Reginald Beaudry respecting Tree Species List	Council Communication of September 11, 2002	Community Services	Staff to report back to Committee of the Whole as part of the Forestry Management Plan exercise	
T.	Hamilton Future Fund	Sept. 10/02	Finance and Corporate Services	Staff to provide monthly reports to Council and Trustee Panel on the approved projects to assist in monitoring	Ongoing
U.	Services Review - City Maintenance Operations	Sept/10/02	City Manager	City Manager to provide ongoing and final reports to Council on behalf of the Services Review Committee	Ongoing

	Issue	Date Action Initiated	Lead Dept/Div	Status	Agenda Item
V.	Fee Waiver Policy	Sept. 10/02	Community Services	Staff to report back as part of the annual budget on the extent to which the City subsidizes third party use	Budget Deliberations
W.	Hamilton's Wastewater System	Sept. 17/02	TOE	Staff to investigate possible partnership re: dredging of the Windemere basin, Updates	
X.	Subsection g) HMRF/HWRF Pension Administration Sub-Committee Report	Sept. 24/02	COW	Tabled pending delegation from Hamilton Police Association appearing at HSC	
Y.	By-law to regulate postering of signs on public property	Sept. 17/02	TOE & FCS	Staff to prepare by-law to regulate	
Z.					
AA.					

SECTION 2

2.1

Committee of the Whole
MINUTES
9:30 a.m.
Tuesday, February 18, 2003
Council Chambers
Hamilton City Hall
71 Main Street West, Hamilton

Present:	Mayor R. Wade
	Councillors A. Bain, D. Braden, M. Caplan, C. Collins, F. D'Amico, L. DiIanni, M. Ferguson, A. Horwath, T. Jackson, B. Kelly, D. Mitchell, M. McCarthy, S. Merulla, B. Morelli, R. Powers

THE FOLLOWING ITEMS WERE REPORTED TO CITY COUNCIL FOR CONSIDERATION:

1. **Dundas Business Improvement Area (B.I.A.) Proposed Budget and Schedule of Payment for 2003 (PD03034) (Ward 13) (Item 4.1)**

   (a) That the 2003 operating budget for the Dundas B.I.A. (attached as Appendix 'A' to Report PD03034) be approved in the amount of $108,000;

   (b) That the 2003 levy portion of the operating budget for the Dundas B.I.A. in the amount of $100,000 be approved;

   (c) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, The Municipal Act, R.S.O., 1990, to levy the 2003 budget as referenced in sub-section (b) above;

(d) That the following schedule of payments for 2003 be approved:

February	$25,000
April	$25,000
July	$25,000
October	$25,000

Note: 2002 assessment appeals may be deducted from 2003 levy payments. **CARRIED.**

2. Dundas Improvement Area (B.I.A.) Revised Board of Management (PD03038) (Ward 13) (Item 4.2)

That the following individuals be appointed to the Dundas B.I.A.'s Board of Management:

Debbie Thurley	Gray's Florist Ltd.	22 King Street West
Joseph Amaral	Cumbrae Farm Meats	26 King Street West
Bernie Gerl	Collins Brewhouse	33 King Street West
Janet Petrie	Desjardins Home & Garden	69 King Street West
Stephanie Fitzpatrick	Fitz & Co.	71 King Street West

CARRIED.

3. Ann Street and Sullivans Lane – Intersection Control (TOE03019) (Ward 13) (Item 4.3)

(a) That northbound traffic on Sullivans Lane be required to stop for eastbound and westbound traffic on Ann Street; and

(b) That the attached by-law to amend City of Hamilton Traffic By-law 01-215 be passed and enacted. **CARRIED.**

4. School Area Speed Limit Request – Dupont Street and Hewitson Road (TOE03020) (Ward 10) (Item 4.4)

(a) That the speed limit on Hewitson Road and Dupont Street be set at 40 km/h, and;

(b) That the attached by-law to amend City of Hamilton Traffic By-law be passed and enacted. **CARRIED.**

5. Cascades Subdivision (62M-971) Stop Sign Installations (TOE03021) (Ward 13) (Item 4.5)

(a) That eastbound stop control be implemented on Brydale Court at Sundial Crescent; and,

(b) That eastbound stop control be implemented on Gwyn Court at Sundial Crescent; and,

(c) That northbound stop control be implemented on Sundial Crescent at Livingstone Drive (east intersection); and,

(d) That eastbound stop control be implemented on Woodlawn Court at Livingstone Drive; and,

(e) That the attached by-law to amend the City Traffic By-law 01-215 be passed and enacted. **CARRIED.**

6. **BIO2003 Conference and Tradeshow in Washington D.C. (ECO03003) (City Wide) (Item 4.6)**

(a) That the Economic Development Department be authorised and directed to exhibit, in partnership with McMaster University, at the BIO2003 tradeshow and conference in Washington D.C., to be held June 22-25, 2003;

(b) That Councillor M. Caplan be appointed to assist staff with the Hamilton exhibit at the BIO2003 conference; and

(c) That the travel and exhibit costs for the BIO2003 conference be funded from the Economic Development Department operational budget. **CARRIED.**

7. **Establishment of a Hamilton fire HazMat/CBRNR "Level 2" Response Team with the Ministry of Public Safety and Security (HES03001) (City Wide) (Item 7.1)**

(a) That the General Manager of Emergency Services be authorized to enter into discussions on behalf of the City of Hamilton with the Ministry of Public Safety and Security related to the Province's strategy for Chemical, Biological, Radioactive, and Nuclear Response (CBRNR).

(b) That this partnership, if acceptable to both parties, is on a full cost recovery basis with no negative impact to the Emergency Services Department operating budget. **CARRIED.**

8. **Delivery of the Community Rental Housing Program (PD03037) (Item 12.1)**

(a) That the letter of December 6, 2002 from the Ontario Minister of Municipal Affairs and Housing allocating 200 units to the City of Hamilton under the Community Rental Housing Program be received and the Province be advised that the City of Hamilton will participate in the program;

(b) That the City of Hamilton, through the Planning and Development Department, Housing Division, deliver and administer the Community Rental Housing Program within the current budget and complement of the Division; and,

(c) That the Mayor and City Clerk be hereby authorized and directed to execute the "Ministry of Municipal Affairs and Housing – Service Manager Administration Agreement", attached as Appendix "B" to Report PD03037, in a form satisfactory to Corporate Counsel.
CARRIED.

9. Appeal of the City of Hamilton Committee of Adjustment (Rural) Decision to approve Severance Application GL/B-02:205, 3160 Kirk Road (former Township of Glanbrook), City of Hamilton (PD03032) (Ward 11) (Item 12.2)

(a) That the City of Hamilton confirm and proceed with the appeal against the decision of the Committee of Adjustment (Rural) to approve application GL/B-02:205 (Wayne and Hilda Bartels), to convey a parcel of land measuring 52.73m (173') x 76.2m (250') for single family residential purposes, and to retain a parcel of land measuring 66.14m (217') x 76.2m (250'), containing an existing single family dwelling for residential purposes, at the lands known municipally as 3160 Kirk Road (former Township of Glanbrook), marked as Appendix "A" to Report PD03032; and,

(b) That the appropriate staff (e.g. Legal and Planning and Development) be authorized and directed to attend the Ontario Municipal Board (OMB) Hearing in opposition to the Committee of Adjustment (Rural) decision to approve Application No. GL/B-02:205 (Wayne and Hilda Bartels), respecting the lands known municipally as 3160 Kirk Road (former Township of Glanbrook), marked as Appendix "A" to Report PD03032. **CARRIED.**

Councillors D. Braden, T. Jackson, D. Mitchell and R. Powers OPPOSED.

10. Ontario Works Enhancement Fund (SPH03002) (City Wide) (Item 13.1)

That Report No. SPHO3002 respecting Ontario Works Enhancement Fund be received for information. **CARRIED.**

11. Cost of Purchasing RCF Per Diem Subsidy to Full Capacity (SPH02024(a)) (City Wide) (Item 13.2)

That report number SPH02024a, respecting additional financial implications of purchasing per diem subsidies for 1177 residential care facility tenants per month in 2003, be received for information.

CARRIED.

12. Cost Implications of Proposed Emergency Family Shelter (Item 13.3)

That Council commit to the municipal share of the operating cost requirements of the Proposed Family Shelter, estimated at $200,000, and that this amount be included in the Social & Public Health Department's 2004 budget submission. **CARRIED.**

Councillors R. Powers and T. Jackson OPPOSED.

13. Designation of Signing Officer for Annual Water Compliance Reports (TOE03018) (City Wide) (Item 14.1)

That the General Manager of Transportation, Operations & Environment be designated as signing officer for all future annual water Compliance Reports to be prepared in accordance with the newly issued Certificates of Approval for each of the waterworks owned by the City. **CARRIED.**

FOR THE INFORMATION OF COUNCIL:

(a) DECLARATIONS OF INTEREST

None Declared.

(b) ADOPTION OF MINUTES

The Minutes of February 4/11, 2003 were adopted as presented.

(c) DELEGATION REQUESTS

The following delegation requests were approved for referral to the Hearings Sub-Committee:

3.1 Request to address the Hearing Sub-Committee by Mr. Steve McNamee respecting pedestrian safety in downtown Hamilton

3.2 Request to address the Hearing Sub-Committee by Glanbrook Home Support Programme Inc. respecting services provided by agencies

3.3 Request to address the Hearing Sub-Committee by David Hodgetts and Dean Mosca of Hillfield Strathallan respecting signalized intersection aligning Auchmar Drive and Hillfield Strathallan College

(d) Update on World Cycling - Mr. Neil Lumsden, CEO Hamilton 2003 Cycling Championships

Mr. Neil Lumsden, CEO, Hamilton 2003 Cycling Championships made a presentation to Committee on the upcoming cycling championships.

Committee discussed the expenses incurred by the City to date, the agreement/contract and potential litigation matters as a result of the race.

Committee moved In Camera to receive legal advice on the agreement and potential litigation. Staff was provided direction in camera.

Following the discussion, Committee reconvened in Open Session.

(e) Appeal of the City of Hamilton Committee of Adjustment (Rural) Decision to approve Severance Application GL/B-02:205, 3160 Kirk Road (former Township of Glanbrook), City of Hamilton (PD03032) (Ward 11) (Item 12.2)

A motion moved by Councillor Mitchell and Seconded by Councillor Ferguson to not proceed with the Appeal was DEFEATED.

(f) CUPE Local 5167 Emergency resolution to Hamilton City Council requesting a 203 Wage Increase (HUR 03002) (Item 22.1)

This matter was deferred.

The meeting adjourned at 2:20 p.m.

Respectfully submitted,

Robert Wade
Mayor

K. Christenson, City Clerk
M. Gallagher, Co-ordinator, Committee of the Whole

SECTION 3

Gallagher, Mary

3.1

From: Decker, Brian [bcd@bcdecker.com]
Sent: February 20, 2003 10:09 AM
To: mgallagh@hamilton.ca
Cc: Decker, Rochelle
Subject: RE: Hamilton Tennis Club/International Tennis Federation Futures Tournament

Follow Up Flag: Follow up
Due By: February 21, 2003 5:00 PM
Flag Status: Flagged

Brian C. Decker (E-mail 2).vcf...

Dear Mary,

This is a formal request for an audience with COW on February 25th and HSC on March 19th. I believe the delegation will include Rochelle Decker, President of Hamilton Tennis Club; myself as Tournament Director; Tony Cho, Head of Officials of Tennis Canada; Carmel Derdaele, Head of Tournaments for Tennis Canada.

We will probably have a PowerPoint presentation to make, and will distribute information packages, as well.

Pleae advise me regarding additional procedures. Many thanks.

Brian

3.2

-----Original Message-----
From: john
Sent: Monday, February 17, 2003 9:09 AM
To: 'mgallagh@hamilton.ca'
Cc: 'Al Peckham'; 'Ed Fotlhergill'; 'Ken Mitchell'; 'Mayor Bob Wade'; jim; joann; irene; 'markcooper@ups.com'
Subject: Hearings Sub-Committee - COW Feb. 26/03 - HSR Service to the Airport

Ms. Gallagher:

As per my verbal discussions with Alexandra this AM, please be advised that the Hamilton Chamber of Commerce wishes to update the above noted matter with the Hearings Sub-Committee on February 26, 2003.

Specifically, we wish to express the concerns of employers located at the Hamilton International Airport on this matter direct to Council.

Presenters will include Mark Cooper, International Gateway Manager for United Parcel Service Canada Ltd. and perhaps some representatives of other employers at the airport.

I will be present, as will Ken Mitchell of TRadeport International Corp., who is our current Chair of our Transportation Committee.

We will advise at a later date of the names of all who will comprise our delegation.

We understand that our presentation must be limited to 5 minutes.

Please acknowledge & confirm that we are on the agenda.

R. John Dolbec
Chief Executive Officer
Hamilton Chamber of Commerce
"Creating Business Opportunities since 1845"
(905) 522-1151 ext. #229

SECTION 4

CITY WIDE IMPLICATIONS

4.1

CITY OF HAMILTON

CORPORATE SERVICES DEPARTMENT
Financial Services Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Joseph L. Rinaldo General Manager
Date:	February 12, 2003	**Prepared by :**	Rick Male 905-546-4157

SUBJECT: **Quarterly Status Report on use of Policy #10 – Emergency Purchasing and Policy #11 – Negotiations for the 4th Quarter 2002 - FCS02105(b) - (City Wide)**

RECOMMENDATION:

That the quarterly status report on use of Policy #10 – Emergency Purchasing and Policy #11 – Negotiations for the 4th Quarter 2002 as set out in Appendix 'A' to Report #FCS02105(b) be received.

Joseph Rinaldo

Joseph L. Rinaldo, General Manager
Corporate Services

EXECUTIVE SUMMARY:

This report is in response to a recommendation from the sub-committee of Council after review of the Purchasing Policies and in accordance with Procedure #PR-11. This report details the procurement of goods and/or services during emergency situations and those detailed in Items a through i of Policy #11.

BACKGROUND:

The Policy for Negotiations is used in narrowly defined circumstances where it is justified that the Policies for the General Acquisition Process could not be followed.

The “Request to Use the Negotiation Policy/Emergency Reporting Form” which is completed by the initiating department is kept on file in the Purchasing Section and will be made available to Council upon request to the Manager of Purchasing.

The Purchasing Section ensures that standard negotiation employs fair and ethical practices.

During the 4th Quarter of 2002, there were 69 instances where the Policy #11 was used totalling $2,215,640.11 with the following breakdown:

- 1 purchase order totalling $869,097.92 where a Request for Proposals was issued and only one bid was received.
- 2 purchase orders dispatched as “emergency” purchases totalling $20,259.61.
- 5 purchase orders totalling $80,555.64 for expanded works where an unexpected problem arose during construction, which did not expand the scope of the project but was necessary in order to deliver the original approved work.
- 2 purchase orders totalling $192,732.00 for contract extensions where provision was built in the original terms of reference for a specified time period.
- 11 purchase orders totalling $204,808.33 declared “time sensitive” where the time available to follow normal procedures was deemed insufficient.
- 31 purchase orders totalling $566,913.00 were for sole source vendors where it was deemed that there was only one source of supply in the open market.
- Excluding these purchases there were 14 transactions totalling $253,393.32.
- There were 3 instances noted where the department utilized the Negotiation Policy without receiving prior approval from Purchasing as required by the Policies. In these cases the department’s General Manager was informed and instructed on proper procedures to be followed in future.

ANALYSIS OF ALTERNATIVES:

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

POLICIES AFFECTING PROPOSAL:

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

The "Request to Use the Negotiation Policy/Emergency Reporting Form" is signed by the Departmental Director and forwarded to the Manager of Purchasing for approval.

CITY STRATEGIC COMMITMENT:

The recommendation contained within this report has City-wide implications.

Requests for quotations and tenders are issued to encourage the competitive bidding process with objective and equitable treatment of all vendors, in accordance with the Purchasing Policies approved by Council. Council approved Policy #11 – Negotiations ensures fair and equitable treatment of vendors where the competitive process is restricted.

4th Quarter Status Report on Use of Policy #10 - Emergency Purchasing and Policy #11 - Negotiations

PO	PO Date	Type	Amount	Name	Origin	Descr
ONE BID RECEIVED						
0000010094	29/10/02	ONE BID RECEIVED	$ 869,097.92	TRAPEZE SOFTWARE GROUP INC.	TRN	TRANSIT - DARTS
EMERGENCY PURCHASE						
0000010374	12/11/02	EMERGENCY	$ 8,559.61	SPEEDY INDUSTRIAL DOOR	CBO	CorpBlg Operations&Mtce
0000009970	23/10/02	EMERGENCY	$ 11,700.00	ROY HOLLAND	WWW	Water and Wastewater
			$ 20,259.61			
EXPANDED WORKS						
0000011438	23/12/02	EXPANDED	$ 5,556.22	L M ENTERPRISES	WWW	Water and Wastewater
0000009714	04/10/02	EXPANDED	$ 10,000.00	RAND ENGINEERING	IEP	Infrastructure Env Planning
0000010607	25/11/02	EXPANDED	$ 11,900.00	BRASH PUBLISHING INC.	RMD	Risk Management
0000010802	04/12/02	EXPANDED	$ 35,000.00	GARWOOD-JONES & HANHAM	DES	Design and Construction - C/S
0000010083	29/10/02	EXPANDED	$ 18,099.42	SUTHERLAND SCHULTZ INC.	WWW	Water and Wastewater
			$ 80,555.64			
EXTENSION OF CONTRACT						
0000010707	29/11/02	EXTENSION	$ 10,650.00	ECHELON RESPONSE & TRAINING	WWW	Water and Wastewater
0000010539	20/11/02	EXTENSION	$ 182,082.00	RANKIN CONSTRUCTION INC.	RDS	Roads
			$ 192,732.00			
TIME SENSITIVE						
0000011439	23/12/02	TIME SENSITIVE	$ 7,850.00	WM GROVES LIMITED	WWW	Water and Wastewater
0000009900	21/10/02	TIME SENSITIVE	$ 8,430.00	ROBINSON EHS CONSULTANTS INC.	POL	Police
0000011318	23/12/02	TIME SENSITIVE	$ 8,848.54	L M ENTERPRISES	WWW	Water and Wastewater

4th Quarter Status Report on Use of Policy #10 - Emergency Purchasing and Policy #11 - Negotiations

PO	PO Date	Type	Amount	Name	Origin	Descr
0000010612	25/11/02	TIME SENSITIVE	$ 8,868.00	WM GROVES LIMITED	WWW	Water and Wastewater
0000010983	19/12/02	TIME SENSITIVE	$ 9,521.79	LARCO INDUSTRIAL SERVICES LTD.	HEC	HECFI
0000009768	09/10/02	TIME SENSITIVE	$ 10,000.00	C.L. MOFFATT EQUIPMENT ENTERPRISES INC.	RDS	Roads
0000010984	19/12/02	TIME SENSITIVE	$ 12,390.00	GORD COOPER TRUCKING INC.	RDS	Roads
0000010573	21/11/02	TIME SENSITIVE	$ 12,900.00	MOFFATT EQUIPMENT 1502701 ONTARIO LTD.	RDS	Roads
0000010190	04/11/02	TIME SENSITIVE	$ 19,000.00	CANADIAN WASTE SERVICES INC.	WST	Waste Management
0000009673	03/10/02	TIME SENSITIVE	$ 45,000.00	JOE JOHNSON EQUIPMENT INC.	WWW	Water and Wastewater
0000010121	30/10/02	TIME SENSITIVE	$ 62,000.00	STANTEC CONSULTING LTD.	WST	Waste Management
			$ 204,808.33			
SOLE SOURCE						
0000010069	28/10/02	SOLE SOURCE	$ 5,000.00	CRESCENT OIL COMPANY	POL	Police
0000010372	12/11/02	SOLE SOURCE	$ 5,049.00	ARCHIE MCCOY (HAMILTON) LTD.	WWW	Water and Wastewater
0000010049	28/10/02	SOLE SOURCE	$ 5,375.00	PYRENE CORPORATION	FIR	Fire
0000010959	18/12/02	SOLE SOURCE	$ 6,000.00	MEGA TECH	POL	Police
0000010846	11/12/02	SOLE SOURCE	$ 6,140.11	A. J. CHANDLER & ASSOCIATES LTD.	WST	Waste Management
0000010908	16/12/02	SOLE SOURCE	$ 7,375.00	V02 FITNESS	POL	Police
0000010070	28/10/02	SOLE SOURCE	$ 7,400.00	SIMPLEX GRINNELL	MAC	Macassa Lodge
0000010686	28/11/02	SOLE SOURCE	$ 7,596.00	MOTOROLA CANADA	POL	Police
0000010500	18/11/02	SOLE SOURCE	$ 8,750.00	RAILINK CANADA LIMITED O/A SOUTHERN ONT	RDS	Roads

4th Quarter Status Report on Use of Policy #10 - Emergency Purchasing and Policy #11 - Negotiations

PO	PO Date	Type	Amount	Name	Origin	Descr
0000010705	29/11/02	SOLE SOURCE	$ 8,750.00	INTERGRAPH CANADA LTD.	IEP	Design and Construction - TOE
0000009757	09/10/02	SOLE SOURCE	$ 9,120.00	MI-CELL FIRE SYSTEMS LTD.	FIR	Fire
0000009935	22/10/02	SOLE SOURCE	$ 9,345.00	MALVERN COMMUNICATIONS INC.	SPH	Social and Public Health
0000010602	25/11/02	SOLE SOURCE	$ 9,998.00	NEDERMAN CANADA LIMITED	FIR	Fire
0000009809	11/10/02	SOLE SOURCE	$ 11,085.00	SNAP ON TOOLS D.J. SOULLIERE	FLA	Fleet Finance Administration
0000010376	12/11/02	SOLE SOURCE	$ 12,013.00	LEICA MICROSYSTEMS (CANADA) INC.	SPH	Social and Public Health
0000010783	04/12/02	SOLE SOURCE	$ 12,600.00	HANSEN INFORMATION TECHNOLOGIES-CANADA	WWW	Water and Wastewater
0000010757	03/12/02	SOLE SOURCE	$ 12,750.00	IBI GROUP	TRN	TRANSIT
0000010098	30/10/02	SOLE SOURCE	$ 14,046.00	PRINTRAK INTERNATIONAL INC	POL	Police
0000010518	19/11/02	SOLE SOURCE	$ 14,988.00	IDENTICAM SYSTEMS CANADA	FIR	Fire
0000010919	17/12/02	SOLE SOURCE	$ 15,000.00	ONTARIO CLEAN WATER AGENCY	WWW	Water and Wastewater
0000010704	29/11/02	SOLE SOURCE	$ 16,660.00	INTERGRAPH CANADA LTD.	IEP	Design and Construction - TOE
0000010585	22/11/02	SOLE SOURCE	$ 16,800.00	POPWARE INC.	FLT	Fleet Services
0000011032	23/12/02	SOLE SOURCE	$ 17,500.00	HANSEN INFORMATION TECHNOLOGIES-CANADA	WWW	Water and Wastewater
0000010985	19/12/02	SOLE SOURCE	$ 17,800.00	969737 ONTARIO LTD.	RDS	Roads
0000010772	04/12/02	SOLE SOURCE	$ 20,367.99	ORACLE CORPORATION CANADA INC.	FCS	Finance Corporate Mgmt Service
0000011010	19/12/02	SOLE SOURCE	$ 24,000.00	HANSEN INFORMATION TECHNOLOGIES-CANADA	WWW	Water and Wastewater
0000011050	24/12/02	SOLE SOURCE	$ 31,250.62	ORACLE CORPORATION CANADA INC.	FCS	Finance Corporate Mgmt Service
0000010636	25/11/02	SOLE SOURCE	$ 36,470.08	HARPER DETROIT DIESEL LIMITED	FIR	Fire
0000010604	25/11/02	SOLE SOURCE	$ 37,684.20	ALPHA-VICO INC	HEC	HECFI

4th Quarter Status Report on Use of Policy #10 - Emergency Purchasing and Policy #11 - Negotiations

PO	PO Date	Type	Amount	Name	Origin	Descr
0000010721	02/12/02	SOLE SOURCE	$ 65,000.00	HAMILTON CONNECTS	RMD	Risk Management
0000010606	25/11/02	SOLE SOURCE	$ 95,000.00	FIBREWIRED	RMD	Risk Management
			$ 566,913.00			
SINGLE SOURCE						
0000009854	16/10/02	SINGLE SOURCE	$ 6,540.00	STEVENATO & ASSOCIATES	FIR	Fire
0000010789	04/12/02	SINGLE SOURCE	$ 7,500.00	DESTECH CONSULTING & EDUCATION	POL	Police
0000010142	31/10/02	SINGLE SOURCE	$ 7,815.00	LUMIDOR SAFETY PRODUCTS	IEP	Design and Construction - TOE
0000009920	21/10/02	SINGLE SOURCE	$ 9,850.00	PROBE RESEARCH	WWW	Water and Wastewater
0000009635	01/10/02	SINGLE SOURCE	$ 10,500.00	AECON CONSTRUCTION AND MATERIALS LTD.	IEP	TOE - Red Hill Valley Project
0000010627	25/11/02	SINGLE SOURCE	$ 12,432.00	MIDNIGHT PROTECTION SERVICES	DES	Design and Construction - C/S
0000010796	04/12/02	SINGLE SOURCE	$ 12,878.00	BRAMIC CREATIVE BUSINESS PRODUCTS LTD.	POL	Police
0000010288	07/11/02	SINGLE SOURCE	$ 13,000.00	LEVEL CORP	RDS	Roads
0000009800	10/10/02	SINGLE SOURCE	$ 22,440.00	JAYCHRIS INDUS-RAIL SUPPLY	RDS	Roads
0000010682	28/11/02	SINGLE SOURCE	$ 25,000.00	VOLUNTEER HAMILTON	POL	Police
0000010389	13/11/02	SINGLE SOURCE	$ 28,000.00	RAILINK CANADA LIMITED O/A SOUTHERN ONT	RDS	Roads
0000009947	22/10/02	SINGLE SOURCE	$ 29,000.00	AQUAFOR BEECH LIMITED	WWW	Water and Wastewater
0000009952	23/10/02	SINGLE SOURCE	$ 30,000.00	WIDEFRAME	POL	Police
0000010598	22/11/02	SINGLE SOURCE	$ 38,438.32	PROGRESSIVE CONSTRUCTION	FCM	Facilities Management
			$ 253,393.32			

Appendix A to Report FCS02105(b)

4th Quarter Status Report on Use of Policy #10 - Emergency Purchasing and Policy #11 - Negotiations

PO	PO Date	Type	Amount	Name	Origin	Descr
NON-COMPLIANT						
0000010213	05/11/02	NON-COMPLAINCE	$ 8,656.14	SER EVENT SOLUTIONS	HEC	HECFI
0000010601	25/11/02	NON-COMPLAINCE	$ 9,224.15	RDR MUSIC GROUP	HEC	HECFI
0000010428	15/11/02	NON-COMPLAINCE	$ 10,000.00	G MASON CONSTRUCTION	HEC	HECFI
			$ 27,880.29			

CITY WIDE
IMPLICATIONS

4.2

CITY OF HAMILTON

CORPORATE SERVICES
Financial Services

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Joseph L. Rinaldo General Manager
Date:	February 17, 2003	**Prepared by:**	Rick Male 905-546-4157

SUBJECT: **Monthly Status Report of Tenders and Requests for Proposals for January 2003 - FCS03053- (City Wide)**

RECOMMENDATION:

That the Monthly Status Report of Tenders and Requests for Proposals for January 2003 as set out in Appendix 'A' to Report FCS03053 be received for information.

Joseph Rinaldo

Joseph L. Rinaldo, General Manager,
Corporate Services

EXECUTIVE SUMMARY:

This report is in accordance with our Policy #6, Council Approval of Contracts, whereby a Council report recommending award of a tender or proposal is not required when the criteria outlined in Items a. through d. of the policy have been met.

BACKGROUND:

Tenders and Proposals reported in this document have been issued in accordance with Purchasing Policies and are being awarded to the lowest acceptable bid.

Staff will continue to report to Council on awards where the conditions have not been met.

Those items with a status of "Under Review" or "Pending Approval" will remain on the report until such time an award is made.

ANALYSIS OF ALTERNATIVES:

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

POLICIES AFFECTING PROPOSAL:

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

This report encompasses all Tenders and Proposals issued by the City and is produced in consultation with the Transportation, Operations and Environment Department.

CITY STRATEGIC COMMITMENT:

The recommendation contained within this report has city-wide implications.

Tenders and Proposals are issued to encourage the competitive bidding process with objective and equitable treatment of all vendors, in accordance with the Purchasing Policies approved by Council. Further, the City of Hamilton's commitment to procure goods and/or services with due regard to the preservation of the natural environment and to encourage the use of "environmentally friendly" products and services, as supported by the Pollution Prevention Committee.

CITY OF HAMILTON

Summary of Tenders & Proposals Issued - January, 2003

Reference	***Project Description***	***Closing Date***	***Status*** ***Award Information***
C4-01-02	RFP for the Provision of Newspaper Advertising Space	July 5	Recommendation in Process
C4-03-02	RFP for the Provision of Direct Distribution Advertising	July 5	Recommendation in Process
C11-35-02	Supply & Delivery of Brake Parts and Service for Cars, Light Duty Trucks and Heavy Duty Vehicles	July 17	Pending Award
C12-8-02	H.V.A.C. Maintenance Services Required at Various Facilities	July 31	Part "B" – Macassa Lodge - Pending
C3-53-02	RFP for Advance Care Paramedic Training Program	August 22	Award Pending Ministry Approval
C6-04-02	Tender for Provision of a Service Provider for Enforcement of Municipal By-Laws	August 29	One Bid Received Under Review
TOE-02-42(HSW)	Road reconstruction, storm sewer construction, sanitary sewer repairs and watermain replacement on Wellington Street North from Cannon Street to Barton Street. (City of Hamilton Wards 2 and 3).	August 29	969774 Ontario Ltd. O/A Elgin Construction $1,506,038.00
TOE-02-46(HW)	Watermain replacement on Highland Road West from Second Road West to Carlson Street and asphalt resurfacing on Highland Road West from Glenhollow Drive to Carlson Street and Second Road West from Highland to North limits. (City of Hamilton Ward 9)	September 3	Partial award or full award of contract under review or in progress
C9-08-02	**REISSUANCE** - RFP for Provision of a Service Provider for Employee Assistance/ Critical Incident Response Program for Hamilton Police Service	October 11	Under Review
C6-14-02	RFP for IP Telephony Solution and Data Infrastructure Upgrade	November 8	Pending Award
TOE-02-62(H)	Proposed sidewalk construction on various streets in the City of Hamilton	November 12	Partial award or full award of contract under review or in progress

Reference	***Project Description***	***Closing Date***	***Status*** ***Award Information***
C3-88-02	RFP for Project Management Services of Four (4) Bundled Projects - **Kiwanis Boys and Girls Club Renovations** (Construction Phase) - **Heritage Green Sports Park** (Landscape Pre-Construction and Construction Phases) - **Walker Outdoor Pool Renovations** (Pre-Construction and Construction Phases) - **Hamilton Waterfall Program** (Pre-Construction and Construction Phases)	November 15	Project Cancelled
C11-91-02	Tender for Supply & Delivery of 7 (Seven) D.A.R.T.S. Vehicles – with option to purchase up to 6 (Six) additional vehicles	November 15	Pending Award
C3-85-02	RFP for Records Management System for Emergency Services – Fire	November 28	Under Review
C9-09-02	Tender for Supply and Delivery of Computers, Servers and Related Components	December 5	Under Review
C3-93-02	Tender for Supply and Delivery of Four (4) Special Service Vehicles 1SS Preferred Equipment Group with 4x4 Options	December 6	Forbes Bros. Inc. $155,588.00
C3-92-02	RFP for GPS Based Automatic Vehicle Location System	December 10	Elm Technologies Ltd. $82,691.64
C11-102-02	RFP for Design, Printing and Bundling of Calendar for Waste Management	December 11	Staz Communications $66,354.00
C5-03-02	RFP for Provision of Consulting Services to Develop A Business Plan for HR Matters – Phase II	December 13	Bearing Point LP $86,750.00
C11-95-02	Tender for Supply and Delivery of Traffic Sign Mounting Posts & Hardware	December 19	Under Review
C4-04-02	RFP for Print Management Services and Related Equipment Services	December 20	Under Review

Reference	***Project Description***	***Closing Date***	***Status Award Information***
C11-105-02	Tender for Complete Refurbishment of Two 1982 GMC Model TA60102N Articulated Transit Buses	December 20	Under Review
C11-99-02	Part 2 – Tender for Ceiling Rehabilitation of the Northeast and Southeast Quadrants of the Water Filtration Building at the Woodward Avenue Water Treatment Plant	December 20	Under Review
C11-109-02	Tender for Repairs to the Kenora Waste Transfer Station	December 23	STF Construction $371,895.00
C3-95-02	RFP for Program for Hamilton Emergency Services Monitor/Defibrillator Replacements	January 14	Under Review
TOE-02-61(HSW)	Road, sidewalk and curb construction, watermain replacement, storm sewer construction and sanitary sewer replacement on Federal St., Red Oak Ave. and Hemlock Ave. from Deerhurst Rd. to Millen Rd. and on Worsley Rd. from Highway No. 8 to Hemlock Ave. (Ward 10)	January 14	Under Review
C11-104-02	Tender for Supply and Delivery of One (1) Hydro-Excavation Machine, 66,000 LB. GVW Truck Chassis	January 17	Under Review
C11-107-02	Tender for Supply and Delivery of One Tandem Axle Cab and Chassis Complete with Dump Box and Crane	January 17	Under Review
C3-42-02	RFP for Consultant Services for Corporate Real Property Planning Project	January 20	Under Review

AFFECTS WARD 6

4.3

CITY OF HAMILTON

PLANNING AND DEVELOPMENT DEPARTMENT
Building and Licensing Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date: **File:**	February 14, 2003 03 198523	**Prepared by:**	Frank Peter (905) 546-2781

SUBJECT: **Demolition Permit – 996 Rymal Road East (PD03044) (Ward 6)**

RECOMMENDATION:

That the Director of Building and Licensing be authorized and directed to issue a demolition permit for 996 Rymal Road East in accordance with By-Law 74-209 pursuant to Section 33 of The Planning Act as amended.

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

The owner is proposing to demolish the existing single family dwelling and leave the lands vacant at this time.

BACKGROUND:

PRESENT ZONING:	AA (Map E-49E)
PRESENT USE:	Single Family Dwelling
PROPOSED USE:	Vacant Land
BRIEF DESCRIPTION:	The owner is seeking approval to demolish the existing single family dwelling and leave the lands vacant at this time. These lands are in the Broughton East neighbourhood and are located in Ward 6. Please see attached location map shown as Attachment A to Report PD03044.

No LACAC interest. Lot size 79.25m x 91.44m

The owner of the property, as per the demolition permit application, is:

Gerald Smith
996 Rymal Road East
Hamilton, ON L8W 3M5

ANALYSIS OF ALTERNATIVES:

N/A

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial – N/A

Staffing – N/A

Legal – N/A

POLICIES AFFECTING PROPOSAL:

N/A

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

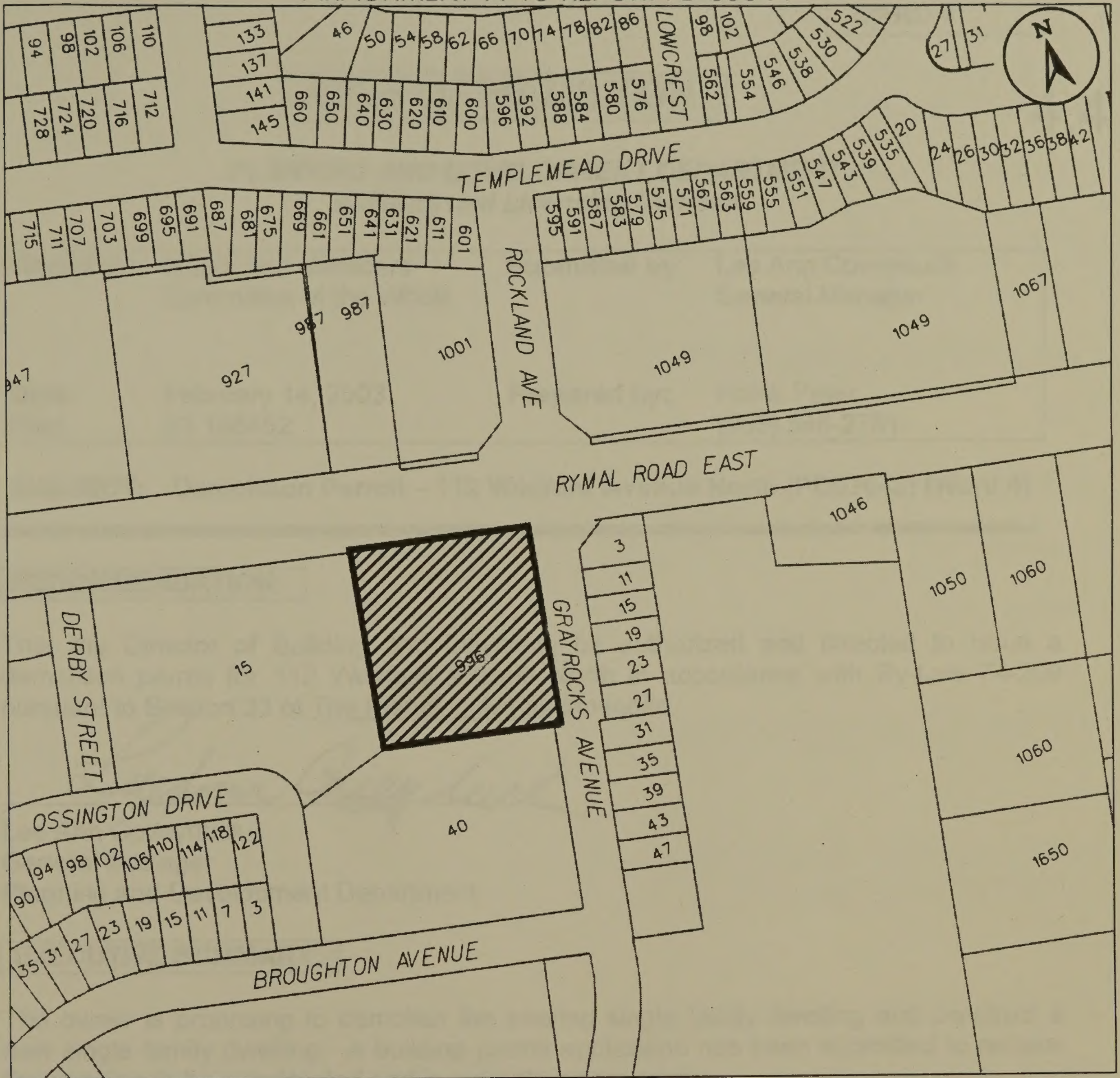
N/A

CITY STRATEGIC COMMITMENT:

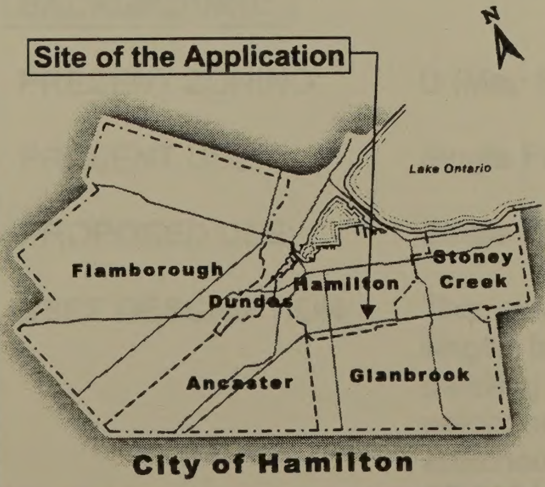
This property is not listed on the City's inventory list as being of interest to the Local Architectural Conservation Advisory Committee (L.A.C.A.C.), therefore, there are no issues with heritage preservation.

PP:FP
Attach. (1)

ATTACHMENT "A" TO REPORT PD 03044



N
TEMPLEMEAD DRIVE
LOWCREST ST
ROCKLAND AVE
RYMAL ROAD EAST
GRAYROCKS AVENUE
DERBY STREET
OSSINGTON DRIVE
BROUGHTON AVENUE
996
15
40
927
987
1001
1049
1067
1046
1050
1060
1650
947



Site of the Application
N
Lake Ontario
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook
City of Hamilton

PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

▨ **Subject Property**
996 Rymal Road East

Hamilton

Filename/number
PD 03044

Date
February 13, 2003

Technician:
MR

Map Not to Scale

Appendix "A"

AFFECTS
WARD 4

CITY OF HAMILTON

4.4

PLANNING AND DEVELOPMENT DEPARTMENT
Building and Licensing Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date: **File:**	February 14, 2003 03 198452	**Prepared by:**	Frank Peter (905) 546-2781

SUBJECT: **Demolition Permit – 112 Wexford Avenue North (PD03043) (Ward 4)**

RECOMMENDATION:

That the Director of Building and Licensing be authorized and directed to issue a demolition permit for 112 Wexford Avenue North in accordance with By-Law 74-209 pursuant to Section 33 of The Planning Act as amended.

Lee Ann Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

The owner is proposing to demolish the existing single family dwelling and construct a new single family dwelling. A building permit application has been submitted to replace the dwelling to be constructed and is currently under review.

BACKGROUND:

PRESENT ZONING:	D (Map E-54)
PRESENT USE:	Single Family Dwelling
PROPOSED USE:	Single Family Dwelling
BRIEF DESCRIPTION:	The owner is seeking approval to demolish the existing single family dwelling and construct a new single family dwelling. These lands are in the Crown Point East neighbourhood and are located in Ward 4. Please see attached location map shown as Attachment A to Report PD03043.

No LACAC interest. Lot size 12.25m x 24.81m

The owner of the property, as per the demolition permit application, is:

Dimco Contracting
1393 Main Street East
Hamilton, ON L8K 1B9

ANALYSIS OF ALTERNATIVES:

N/A

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial – N/A

Staffing – N/A

Legal – N/A

POLICIES AFFECTING PROPOSAL:

N/A

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

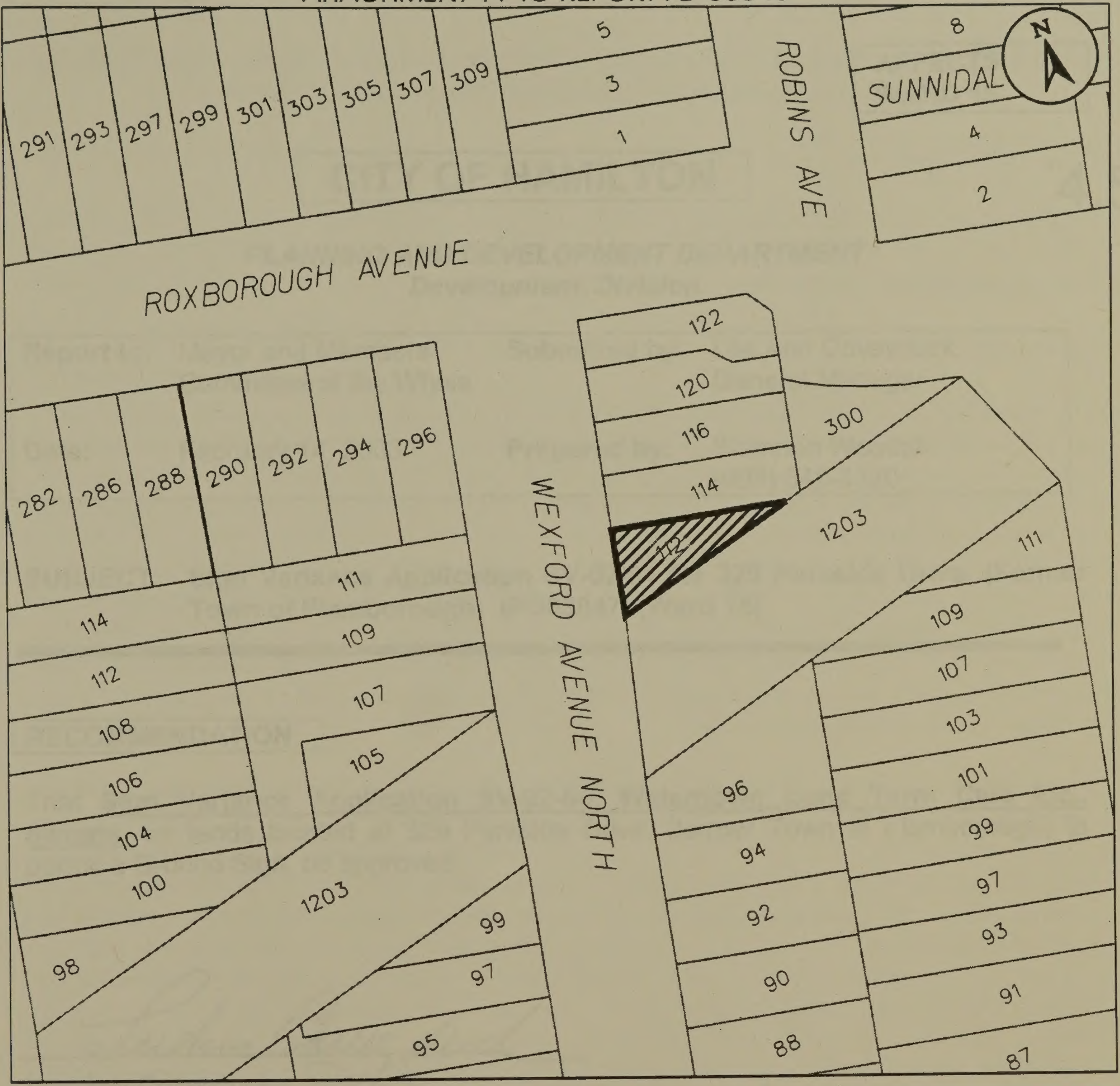
N/A

CITY STRATEGIC COMMITMENT:

This property is not listed on the City's inventory list as being of interest to the Local Architectural Conservation Advisory Committee (L.A.C.A.C.), therefore, there are no issues with heritage preservation.

:FP
Attach. (1)

ATTACHMENT "A" TO REPORT PD 03043


ROXBOROUGH AVENUE
WEXFORD AVENUE NORTH
ROBINS AVE
SUNNIDAL
N
291
293
297
299
301
303
305
307
309
5
3
1
8
4
2
122
120
116
114
112
300
1203
111
109
107
103
101
99
97
93
91
87
96
94
92
90
88
282
286
288
290
292
294
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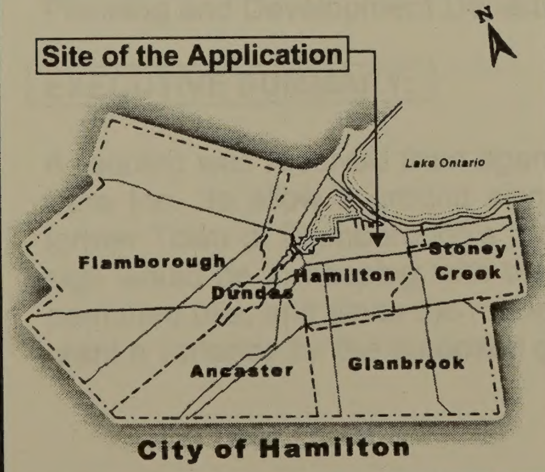
114
112
108
106
104
100
98
111
109
107
105
1203
99
97
95


Site of the Application
N
Lake Ontario
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook
City of Hamilton

PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

▨ **Subject Property**
112 Wexford Avenue North

Hamilton

Filename/number
PD 03043

Date
February 13, 2003

Technician:
MR

Map Not to Scale

Appendix "A"

AFFECTS WARD 15

CITY OF HAMILTON

4.5

PLANNING AND DEVELOPMENT DEPARTMENT
Development Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date:	February 14, 2003	**Prepared by:**	Shannon Woodall (905) 546-4320

SUBJECT: **Sign Variance Application SV-02-04 for 329 Parkside Drive, (Former Town of Flamborough) (PD03047) (Ward 15)**

RECOMMENDATION:

That **Sign Variance Application SV-02-04, Waterdown Long Term Care Inc., owners**, for lands located at 329 Parkside Drive, (former Town of Flamborough) to permit a Ground Sign, be approved.

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

A request was received from agent David Holwell, on behalf of Waterdown Long Term Care Inc., to allow a ground sign, which is not permitted under Section 7.2.1 of the former Town of Flamborough's Sign By-law (By-law No. 97-67-S). Since the proposed sign would be in keeping with the general intent of the zoning and necessary for the permitted use, and since the request is minor in nature, it is recommended that Council grant a variance for the proposed ground sign.

BACKGROUND:

Agent: David Holwell

Owner/Applicant: Waterdown Long Term Care Inc.

Proposal:

The operators of Waterdown Long Term Care Inc. are applying to permit a ground sign as a locational indicator for the long term care facility, which is situated on the subject lands. The location of the subject property is illustrated on Appendix "A" to Report PD03047, and the type and design of the sign being proposed is illustrated on Appendix "B" to Report PD03047.

The subject lands are zoned Park Open Space "O2-5" in Flamborough Zoning By-law 90-145-Z. Section 7.2.1, Ground Signs of Flamborough Sign By-law No. 97-67-S, stipulates that "Unless specifically permitted by this By-law, no ground sign shall be erected in a Residential, Agricultural or Open Space Zone. As such, a ground sign is not permitted on the subject property.

Under Section 13.1 of the former Town of Flamborough Sign By-law, the owner, or their agent, responsible for a proposed sign, who cannot comply with the requirements of the By-law, may apply to Council for a variance. Section 13.3 states that "Council shall hear all applications and may authorize minor variances from the provisions and regulations of this By-law, provided that the general intent and purpose of this By-law shall be maintained."

ANALYSIS OF ALTERNATIVES:

If the sign variance application was to be denied, then the existing long term care facility would not have any street oriented identification signage.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A.

POLICIES AFFECTING PROPOSAL:

Zoning By-law 90-145-Z (former Town of Flamborough).

The subject property is zoned Park Open Space "O2-5", which permits a long term care facility.

Sign By-law 97-67-S (former Town of Flamborough)

Sign By-law 97-67-S regulates the size, use, location and maintenance of signs within the Town of Flamborough. Ground signs are prohibited from properties zoned Park Open Space "02".

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Roads and Traffic Division, Transportation, Operations and Environment

The Traffic Division has advised that the location of the proposed sign is outside of the required 5m x 5m-visibility triangle area adjacent to the driveway and is acceptable. It is also noted that any utility relocation required, as a result of the sign construction, will be at the sole expense of the applicant/owner. Prior to commencing any work, it is recommended that the applicant/owner contact all the respective Utilities to ensure that utility clearances/cover conforms to their requirements.

COMMENTS:

The zoning at 329 Parkside Drive is Open Space "O2-5", which permits any use within the Institutional "I" zone. Under the Sign By-law, a ground sign is permitted within an Institutional zone. However, the subject property has retained the Park Open Space "02" zoning. Whereas an exception to the zoning was approved to recognize the Institutional usage, the corresponding amendment was not made to the Sign By-law. As such, it would be prudent to recognize the relevant provisions of the Sign By-law to correspond with the same provision of the Zoning By-law. On this basis, the requested variance to the Sign By-law can be supported. The proposed ground sign is required as an identifier for the long term care facility, as the building is setback a considerable distance and visibility from Parkside Drive is limited. The sign is necessary so that the property is clearly marked and easily identifiable, especially for the need of emergency medical services.

The proposed sign is maintaining the Ground Sign requirements, as outlined in Section 7.2.10 of the Sign By-law. Under this section, and as established in the following chart, the location and size criteria for the proposed ground sign is being complied with. The proposed sign has a size of 3.25 square metres and, therefore, requires a setback of 1.5 metres from the streetline and five (5) metres from any residential building (Appendix C to Report PD03047). The proposed sign complies with the applicable regulations.

	Sign Area of Single Face	**Minimum Setback from Streetline**	**Height**	**Minimum Setback from a Building used solely for Residential Purposes**
Section 7.2.10 Ground Sign Requirements	Less than 4 sq.metres	1.5 metres	N/A	5 metres
Proposed Ground Sign	3.25 sq.metres	3.96 metres	3.66 metres	10 metres

With respect to the location of the proposed sign, it is noted that the installation of the sign will not negatively impact on the drainage and grading of this site or the adjacent property, provided that the existing drainage swale is not blocked. It is noted that from the submitted drawing, it appears that a steel post might be installed within the swale, whereas the drainage swale must be restored, or modified, to function as intended, as per the originally approved site plan.

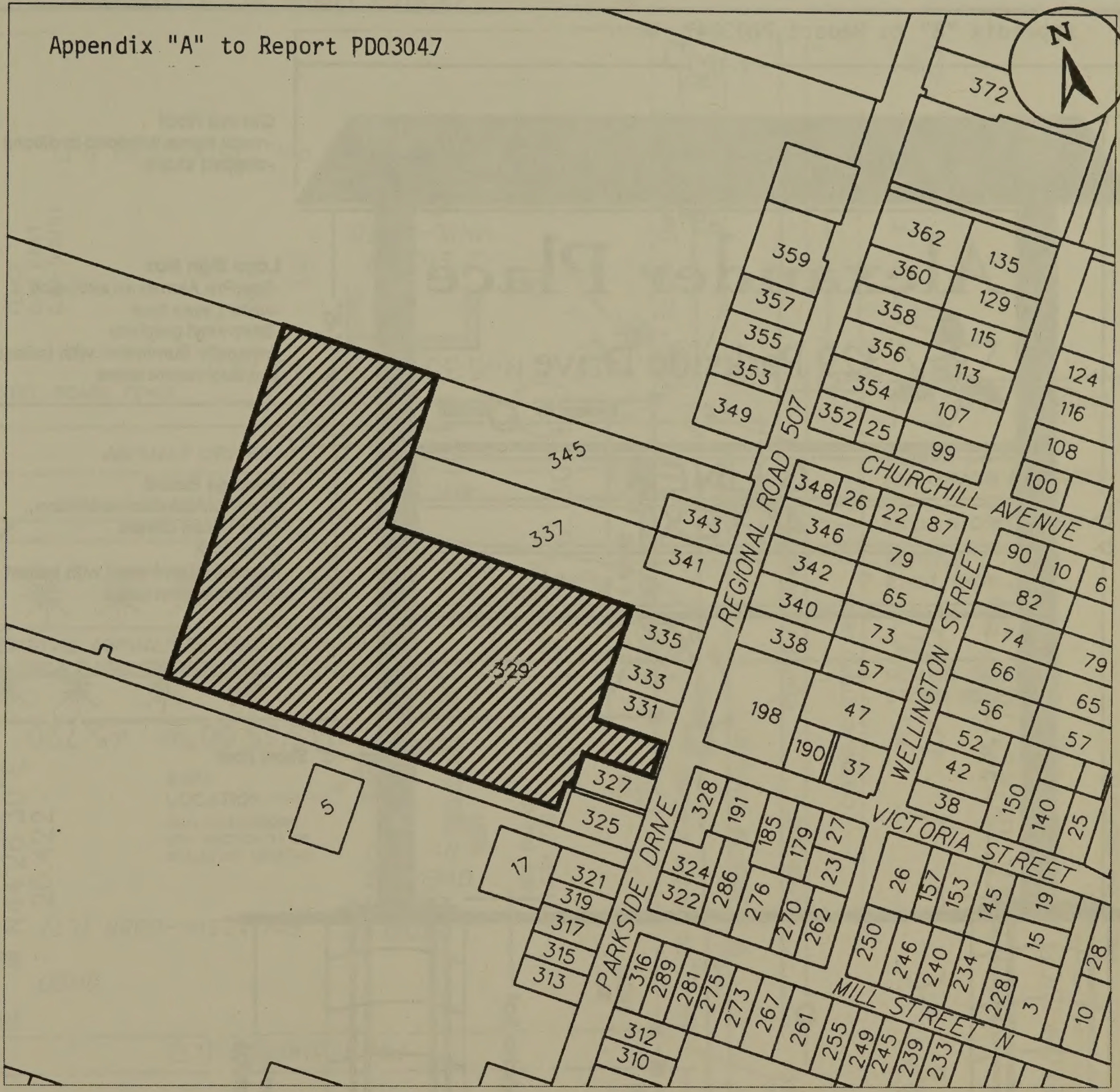
Based on the foregoing, the application is maintaining the general intent and purpose of Sign By-law #97-67-S and, as such, approval of the proposed sign variance is recommended.

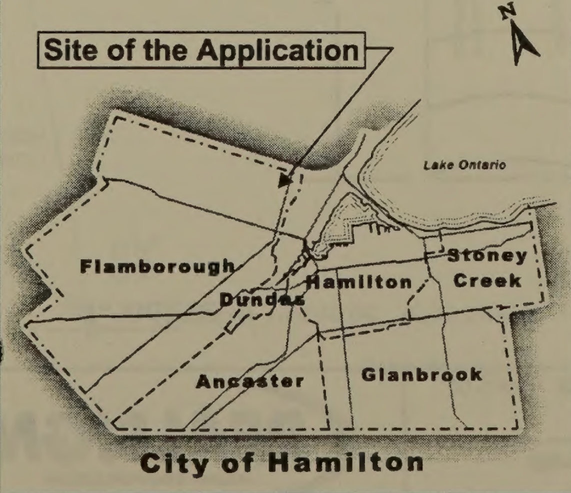
CONCLUSION:

Based on the foregoing, it is recommended that the application for a proposed sign variance for the lands at 329 Parkside Drive be approved, as submitted.

:SW
Attachs. (3)

Appendix "A" to Report PD03047


N
REGIONAL ROAD 507
PARKSIDE DRIVE
CHURCHILL AVENUE
WELLINGTON STREET
VICTORIA STREET
MILL STREET N
329
345
337


Site of the Application
Lake Ontario
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook
City of Hamilton

PLANNING AND DEVELOPMENT DEPARTMENT

Committee of Adjustment

▨ **Subject Property**
329 Parkside Drive

Hamilton

Filename/number
SV-02-04

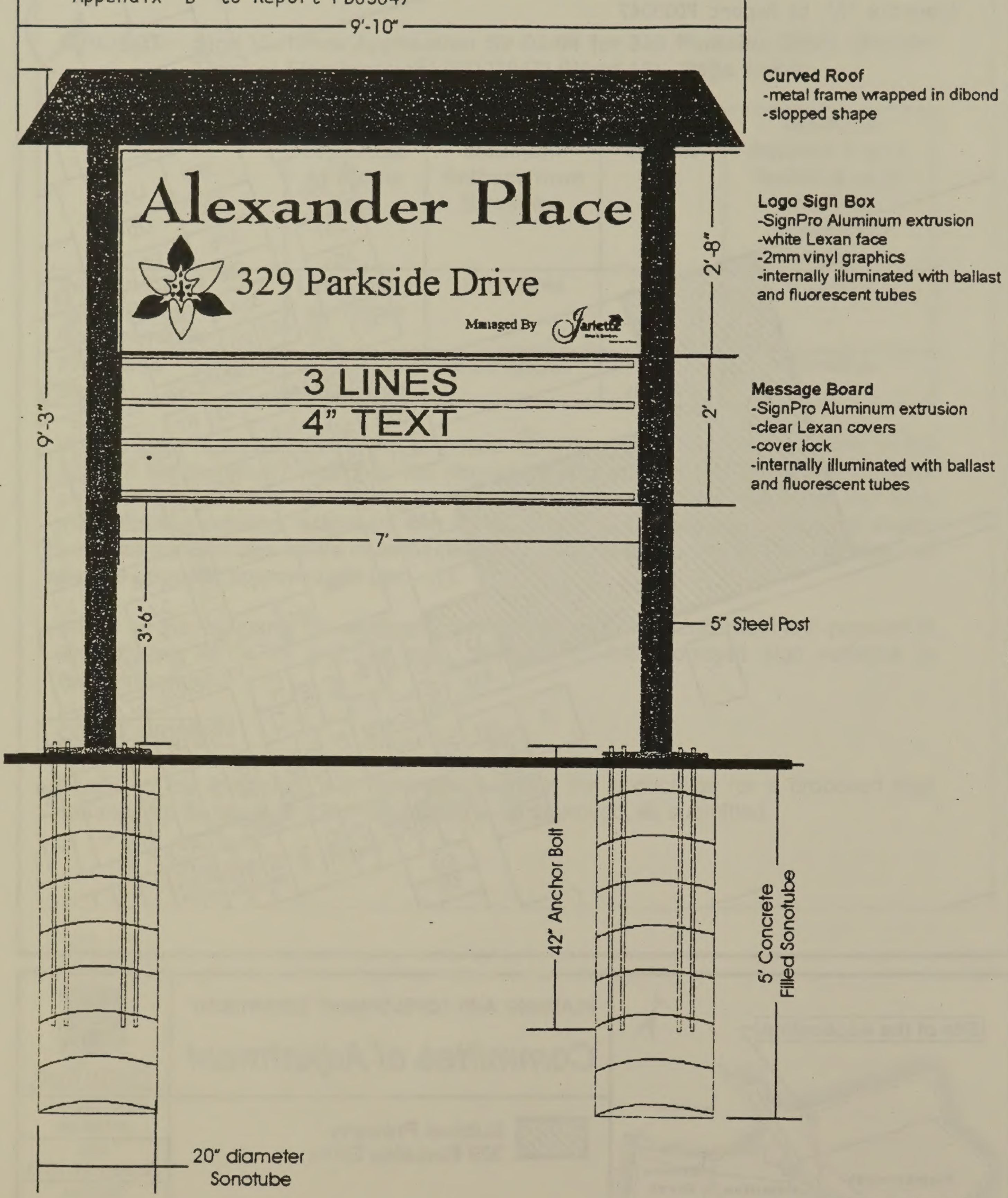
Date
January 21, 2003

Technician:
MR

Map Not to Scale

Appendix "A"

Appendix "B" to Report PD03047


9'-10"
Alexander Place
329 Parkside Drive
Managed By Jarlette
3 LINES
4" TEXT
2'-8"
2'
9'-3"
7'
3'-6"
42" Anchor Bolt
5' Concrete Filled Sonotube
20" diameter Sonotube

Curved Roof
-metal frame wrapped in dibond
-slopped shape

Logo Sign Box
-SignPro Aluminum extrusion
-white Lexan face
-2mm vinyl graphics
-internally illuminated with ballast and fluorescent tubes

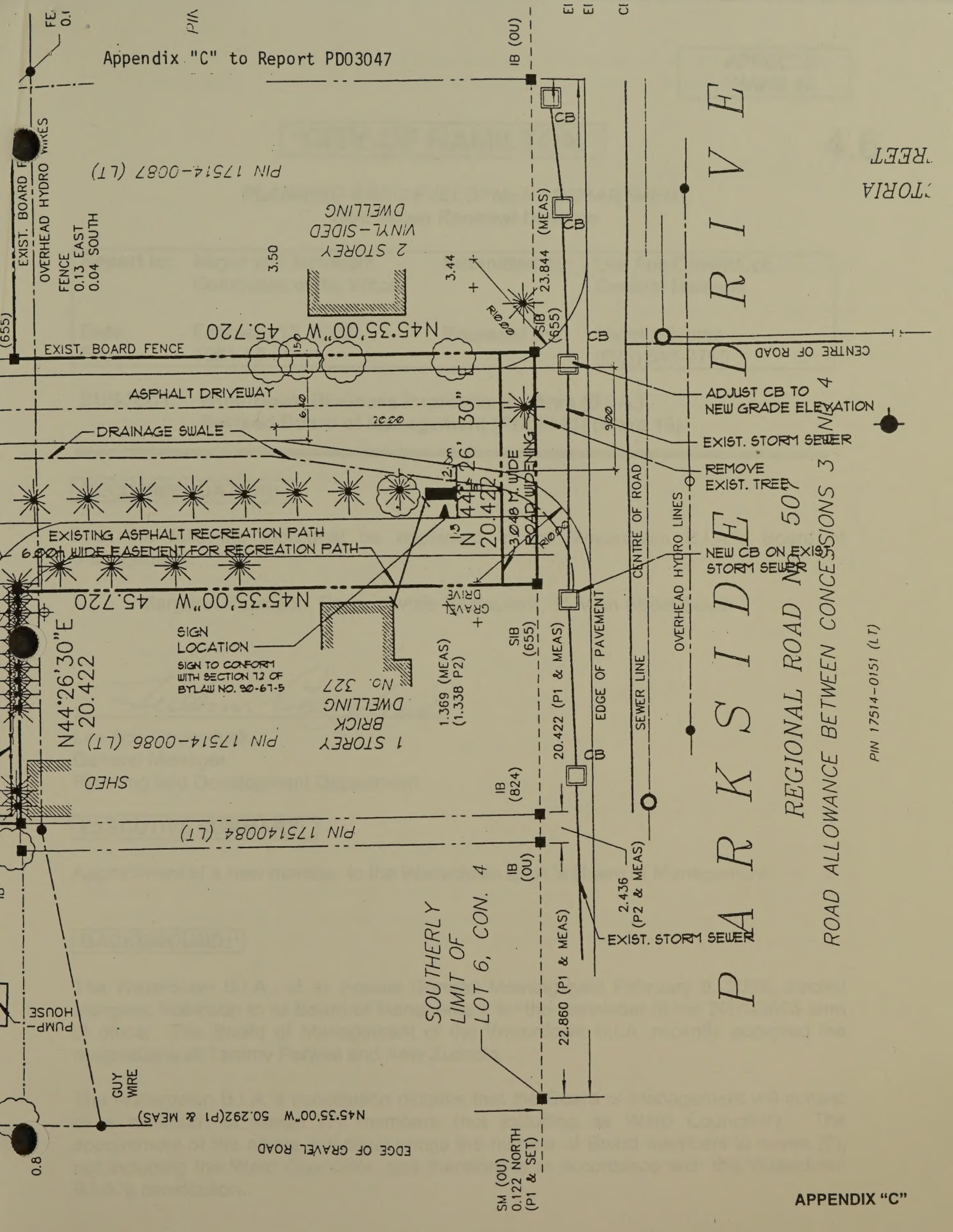
Message Board
-SignPro Aluminum extrusion
-clear Lexan covers
-cover lock
-internally illuminated with ballast and fluorescent tubes

5" Steel Post

APPENDIX "B"

NAME ALEXANDER PLACE (JARLETTE)	ART BRD	SALES SG	DATE Nov-5-02	REALSIGN MEDIA CORPORATION
ADDRESS WATERDOWN, ON		FILE NAME ALEX_PLACE	NUMBER	

Appendix "C" to Report PD03047


PARKSIDE DRIVE
REGIONAL ROAD NO. 507
ROAD ALLOWANCE BETWEEN CONCESSIONS 3 AND 4
PIN 17514-0151 (LT)
CENTRE OF ROAD
PIN 17514-0087 (LT)
2 STOREY
VINYL-SIDED
DWELLING
PIN 17514-0086 (LT)
1 STOREY
BRICK
DWELLING
No. 327
PIN 175140084 (LT)
SHED
PUMP-HOUSE
GUY WIRE
EXIST. BOARD FENCE
OVERHEAD HYDRO WIRES
FENCE
0.13 EAST
0.04 SOUTH
(655)
3.50
3.44
N45°35'00"W 45.720
N45°35'00"W 45.720
N45°35'00"W 50.292(P1 & MEAS)
N44°26'30"E
20.422
N44°26'30"
20.422
ASPHALT DRIVEWAY
DRAINAGE SWALE
6.40
20.20
9.00
1.5
2.0m
3.048 M. WIDE
ROAD WIDENING
R10.00
R10.00
EXISTING ASPHALT RECREATION PATH
6.00 m WIDE EASEMENT FOR RECREATION PATH
GRAVEL DRIVE
SIGN LOCATION
SIGN TO CONFORM WITH SECTION 7.2 OF BYLAW NO. 90-67-S
1.369 (MEAS)
(1.338 P2)
SIB (655)
SIB (655)
IB (824)
IB (OU)
IB (OU)
23.844 (MEAS)
20.422 (P1 & MEAS)
22.860 (P1 & MEAS)
2.436
(P2 & MEAS)
SM (OU)
0.122 NORTH
(P1 & SET)
SOUTHERLY LIMIT OF LOT 6, CON. 4
EDGE OF GRAVEL ROAD
0.8
CB
CB
CB
CB
ADJUST CB TO NEW GRADE ELEVATION
EXIST. STORM SEWER
REMOVE EXIST. TREE
NEW CB ON EXIST. STORM SEWER
EXIST. STORM SEWER
EDGE OF PAVEMENT
SEWER LINE
CENTRE OF ROAD
OVERHEAD HYDRO LINES
PIN
FE
0.
EI
EI
CI
TORIA
REET

APPENDIX "C"

AFFECTS WARD 15

4.6

CITY OF HAMILTON

PLANNING AND DEVELOPMENT DEPARTMENT
Downtown Renewal Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date: **File:**	February 12, 2003 1001-13	**Prepared by:**	Hazel Milsome (905) 546-2755

SUBJECT: **Waterdown Business Improvement Area (B.I.A.) Revised Board of Management (PD03045) (Ward 15)**

RECOMMENDATION:

That the following individual be appointed to the Waterdown B.I.A.'s Board of Management:

Margaret Robinson, Pause Awhile Restaurant, 31 Main Street South

LeeAnn Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

Appointment of a new member to the Waterdown B.I.A.'s Board of Management.

BACKGROUND:

The Waterdown B.I.A., at its Annual General Meeting held February 5, 2003, elected Margaret Robinson to its Board of Management for the remainder of the 2001-2003 term of office. The Board of Management of the Waterdown B.I.A. recently accepted the resignations of Tammy Farwell and Amy Zuccolo.

The Waterdown B.I.A.'s constitution dictates that the Board of Management will consist of a minimum of seven (7) members (not including its Ward Councillor). The appointment of the above individual brings the number of Board members to seven (7), not including the Ward Councillor, and therefore is in accordance with the Waterdown B.I.A.'s constitution.

ANALYSIS OF ALTERNATIVES:

Not applicable.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial – Not applicable.

Staffing – There are no staffing implications.

Legal – The Municipal Act, Section 220 governs B.I.A.s. Section (6) stipulates "A Board of Management established under subsection (1) is a body corporate and shall consist of such number of members appointed by council as the council considers advisable, at least one of whom shall be a member of the council and the remaining members shall be individuals who are persons who are entitled to notice under subsection (2) or clause (2.1) (a) or who are nominated by such persons".

POLICIES AFFECTING PROPOSAL:

Not applicable.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Not applicable.

CITY STRATEGIC COMMITMENT:

The initiatives of B.I.A.s' help create an attractive business district that extends to the local residents through the creation of a safer, cleaner and more aesthetically attractive district with positive results on the quality of life of its residents. Healthy business districts support neighbourhoods and healthy neighbourhoods support business districts. Economic health and healthy communities are important strategic objectives of the City.

RMM c.c. Linda Naccarato, Executive Director, Waterdown B.I.A.

AFFECTS WARD 15

4.7

CITY OF HAMILTON

PLANNING AND DEVELOPMENT DEPARTMENT
Downtown Renewal Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date:	February 14, 2003	**Prepared by:**	Hazel Milsome (905) 546-2755
File:	1001-13		

SUBJECT: **Waterdown Business Improvement Area (B.I.A.) Proposed Budget and Schedule of Payment for 2003 (PD03046) (Affects Ward 15)**

RECOMMENDATION:

(a) That the 2003 operating budget for the Waterdown B.I.A. (attached as Appendix 'A' to Report PD03046) be approved in the amount of $30,850;

(b) That the 2003 levy portion of the operating budget for the Waterdown B.I.A. in the amount of $30,500 be approved;

(c) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, The Municipal Act, R.S.O., 1990, to levy the 2003 budget as referenced in (b) above;

(d) That the following schedule of payments for 2003 be approved:

March	$15,250
July	$ 7,625
October	$ 7,625

Note: 2002 assessment appeals may be deducted from 2003 levy payments.

Lee Ann Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

Approval of the 2003 budget and schedule of payment for the Waterdown B.I.A.

BACKGROUND:

At its Annual General Meeting held on February 5, 2003, the Waterdown B.I.A.'s Board of Management presented its proposed budget for 2003. The process followed to adopt the Waterdown B.I.A.'s 2003 budget was in accordance with the B.I.A.'s constitution.

ANALYSIS OF ALTERNATIVES:

Not applicable.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial – The $30,850 operating budget for the Waterdown B.I.A. is derived through the following:

*	Levying its members	$30,500
*	Interest	$ 350

There is no cost to the City of Hamilton for any part of this operating budget.

Staffing – There are no staffing implications.

Legal – The Municipal Act, Section 220, Sub-section (10) dictates that City Council must approve budgets of B.I.A.s.

POLICIES AFFECTING PROPOSAL:

Not applicable.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Not applicable.

CITY STRATEGIC COMMITMENT:

The initiatives of B.I.A.s' help create an attractive business district that extends to the local residents through the creation of a safer, cleaner and more aesthetically attractive district with positive results in the quality of life of its residents. Healthy business districts support neighbourhoods and healthy neighbourhoods support business districts. Economic health and healthy communities are important strategic objectives of the City.

KMM c.c. Linda Naccarato, Executive Director, Waterdown B.I.A.

Attach (1)

Appendix 'A' to Report PD03046
Page 1 of 1

WATERDOWN BUSINESS IMPROVEMENT AREA

2003 BUDGET

Assessments	$30,500
Interest	350
Total Revenue	**$30,850**

General & Administration	
Streetscaping	$4,300
Advertising & Promotion	4,000
Audit	400
Bank Charges	60
Bookkeeping	1,000
Conferences	250
Dues & Fees	200
Insurance	2,500
Management Fees	15,000
Newsletter	750
Office Supplies	400
Postage and Courier	125
Telephone	1,500
Travel	100
Total	$30,585

Banners	
Repairs and Maintenance	$250
Net	$15

AFFECTS WARD 2

CITY OF HAMILTON

4.8

TRANSPORTATION, OPERATIONS & ENVIRONMENT
Roads & Traffic

Report to:	Mayor and Members Committee of the Whole	**Submitted by**:	Scott Stewart Acting General Manager
Date:	February 18, 2003	**Prepared by:**	George Brovac Extension 4577

SUBJECT: **Temporary Closure for Slainte Irish Pub - St. Patrick's Day Street Festival - Monday March 17, 2003 from 7:00 a.m. until 11:00 p.m. (TOE03033) - (Ward 2)**

RECOMMENDATION:

That the application from Slainte Irish Pub for the temporary closure of Bowen Street between Main Street East and Jackson Street East on Monday March 17, 2003 from 7:00 a.m. until 11:00 p.m. to hold a street festival, be approved subject to the following conditions:

i) That the prior approval of the Chief of Police or his designate be received and that such permits or authorizations as may be required by the Chief of Police or his designate be obtained; and

ii) That the applicant provide proof of $5,000,000 liability insurance, naming the City of Hamilton as an added insured party with a provision for cross liability and holding the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss; and

iii) That all barricading, detour signing, H.S.R. rerouting and traffic control be subject to the direction of the General Manager, Public Works or his designate; and

iv) That all barricading be provided by and at the expense of the applicant; and

v) That "Temporary Road Closure" signs be installed in advance by the Public Works Department, on the affected roadways, if deemed necessary by the General Manager, Public Works and at the expense of the applicant; and

vi) That the applicant ensure that clean up operations are carried out immediately before the re-opening of the road, to the satisfaction of the City of Hamilton and at the expense of the applicant; and

vii) That no property owner or resident within the closure area be denied access to their property upon request; and

viii) That all property owners and tenants within the closure area be notified by the applicant, prior to the closure, in a form acceptable to the General Manager.

ix) That the Alcohol and Gaming Commission of Ontario (AGCO) be advised that the City of Hamilton is aware of the application by Slainte Irish Pub, 33 Bowen Street to serve alcohol on the road allowance of Bowen Street on Monday March 17, 2003 from 11:00 a.m. until 11:00 p.m. and that the City has no objection to the AGCO issuance of the appropriate liquor license for the event.

Scott

Scott Stewart, Acting General Manager
Transportation, Operations & Environment

EXECUTIVE SUMMARY:

An application was received from Slainte Irish Pub for the temporary closure of Bowen Street between Main Street East and Jackson Street East on Monday March 17, 2003 from 7:00 a.m. until 11:00 p.m. to hold a street festival. This is an annual event that takes place within the Bowen Street area. The event organizers estimate that over one thousand residents will attend the one-day event.

BACKGROUND:

An application was received from Slainte Irish Pub for the temporary closure of Bowen Street between Main Street East and Jackson Street East on Monday March 17, 2003 from 7:00 a.m. until 11:00 p.m. to hold a street festival. This is an annual event that takes place within the Bowen Street area. The event organizers estimate that over one thousand residents will attend the one-day event.

The applicant will inform the local businesses of the closure via a hand delivered notice and ensure their support of the event. The Public Works Department will install warning signs one week prior to the closure. The Public Works Department has not received any objections from the area businesses during the previous occurrences of this event. The applicant will arrange to have barricades at the limits of the closure. Hamilton Police will provide additional traffic control at the limits of the closure.

ANALYSIS OF ALTERNATIVES:

N/A

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

As per the Services-In-Kind Policy for Special Events, the applicant has paid the required $450 road closure fee.

POLICIES AFFECTING PROPOSAL:

The City has a policy for delegated authority for short term road closures. The policy states that delegated authority is given for events from previous years as long as: the event takes place in the same location as the previous year, during the same time of day/day of week and that the event does not include the serving of alcohol. This event does not conform to the policy, as this year's event will include the serving of alcohol within the City's road allowance.

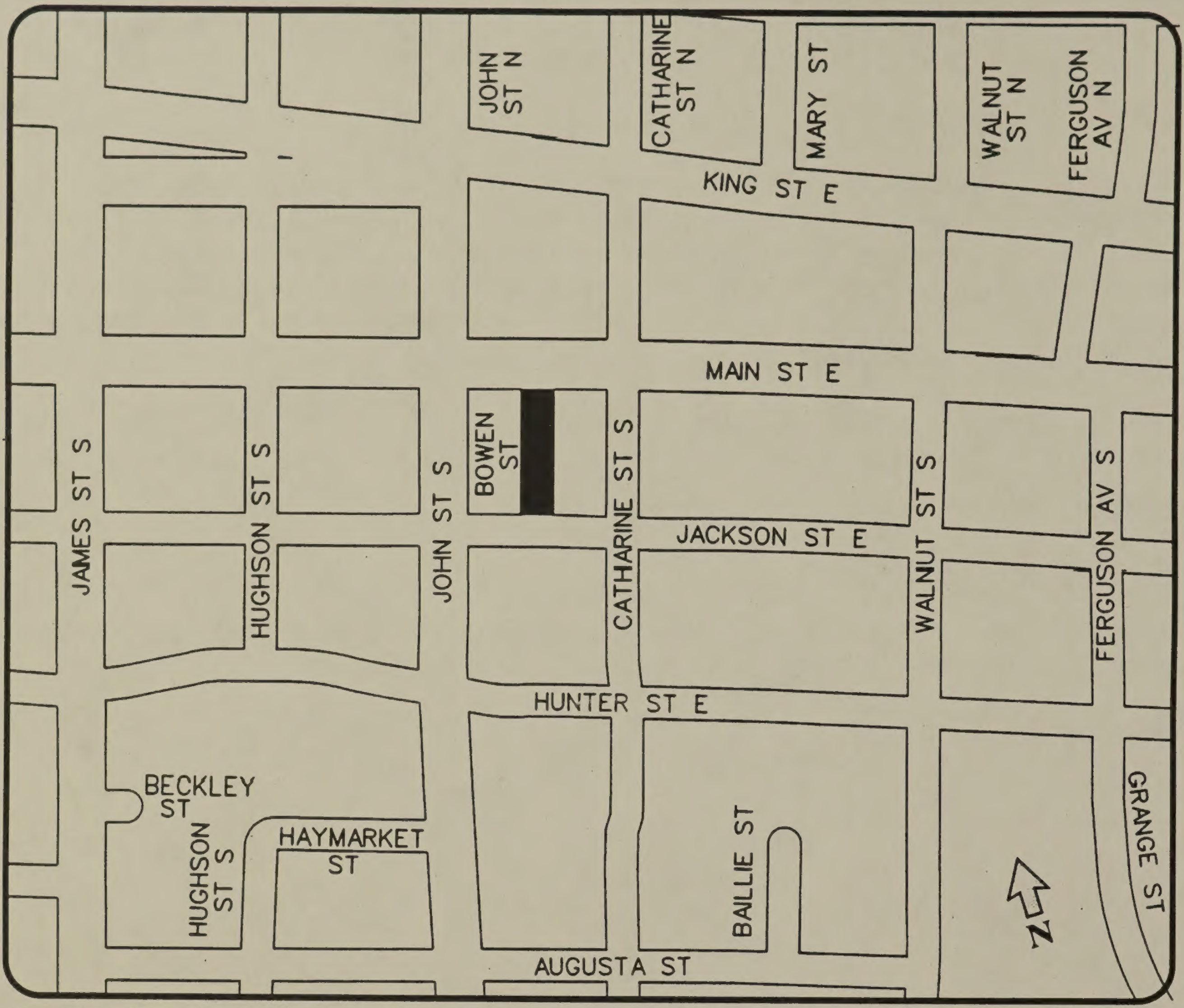
CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Special Event Advisory Team, Slainte Irish Pub

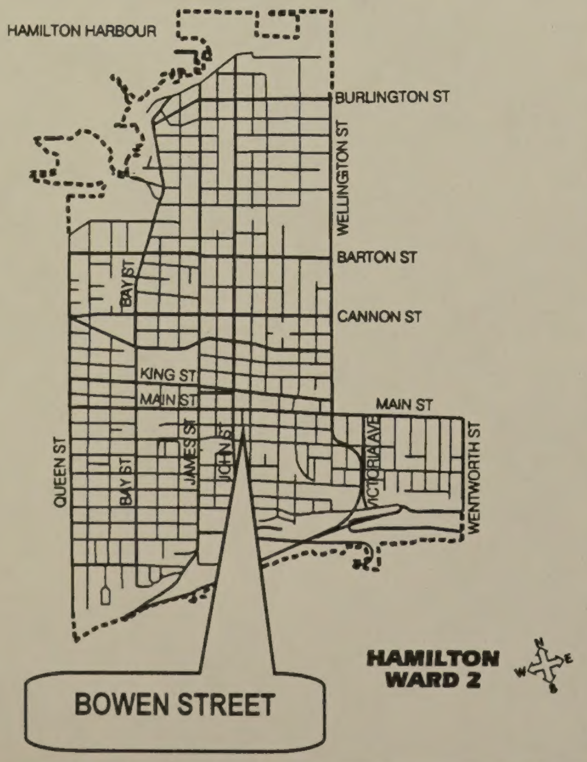
CITY STRATEGIC COMMITMENT:

Special events help citizens celebrate and preserve the diversity of the City of Hamilton as well as promoting Hamilton as a desirable place to live and work.

Attached: Key Map


JOHN ST N
CATHARINE ST N
MARY ST
WALNUT ST N
FERGUSON AV N
KING ST E
MAIN ST E
BOWEN ST
JAMES ST S
HUGHSON ST S
JOHN ST S
CATHARINE ST S
JACKSON ST E
WALNUT ST S
FERGUSON AV S
HUNTER ST E
BECKLEY ST
HAYMARKET ST
HUGHSON ST S
BAILLIE ST
GRANGE ST
AUGUSTA ST
N

KEY MAP


HAMILTON HARBOUR
BURLINGTON ST
WELLINGTON ST
BARTON ST
CANNON ST
BAY ST
KING ST
MAIN ST
MAIN ST
QUEEN ST
BAY ST
JAMES ST
JOHN ST
VICTORIA AVE
WENTWORTH ST
BOWEN STREET
HAMILTON WARD 2
N
W
E
S

LOCATION PLAN

TEMPORARY ROAD CLOSURE:
BOWEN STREET
FROM MAIN STREET EAST
TO JACKSON STREET EAST
"ST. PATRICK'S DAY FESTIVAL"
CITY OF HAMILTON
PUBLIC WORKS

LEGEND

▬

SUBJECT ROAD

SCALE	DATE
NOT TO SCALE	**2003-02-18**

REFERENCE FILE NO: **TOE03033**

AFFECTS WARD 8

CITY OF HAMILTON

4.9

TRANSPORTATION, OPERATIONS & ENVIRONMENT
Roads & Traffic

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Scott Stewart Acting General Manager
Date:	February 10, 2003	**Prepared by:**	Rich Shebib Extension 3909

SUBJECT: **Intersection of Hawkswood Trail and Kittyhawk Drive (East Intersection) - Intersection Control (TOE03024) - (Ward 8)**

RECOMMENDATION:

(a) That northbound traffic on Hawkswood Trail be required to stop for eastbound and westbound traffic on Kittyhawk Drive (east intersection).

(b) That the attached by-law to amend City of Hamilton By-law 01-215 be passed and enacted.

Scott

Scott Stewart, Acting General Manager
Transportation, Operations & Environment

EXECUTIVE SUMMARY:

An area resident has requested that stop control be implemented at the intersection of Hawkswood Trail and Kittyhawk Drive (east intersection). Staff support introducing a stop on the stem of "T-type Intersections", as it will provide clearer designation of right-of-way.

BACKGROUND:

The information/recommendations contained within this report primarily affect Ward 8.

Staff have received a request from an area resident, that stop control be implemented at the intersection of Hawkswood Trail and Kittyhawk Drive (east intersection), as there is no form of traffic control at this intersection.

The subject intersection is a "T" type intersection. There have been no intersection related collisions at this intersection. Staff support the principle of stopping one direction of traffic at "T" type intersections in lieu of the otherwise applicable "right-hand rule", which may not be clearly understood by all motorists. Therefore, staff recommends that northbound traffic on Hawkswood Trail be required to stop for eastbound and westbound traffic on Kittyhawk Drive.

ANALYSIS OF ALTERNATIVES:

One alternative to the recommendation would be to take no action on the implementation of stop control. There have been no reported intersection related collisions at this intersection, which is an indication that the intersection is operating satisfactorily without signed stop control.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Sufficient funds are available in regular current accounts to cover the cost of manufacturing, erecting and maintaining the required signs.

POLICIES AFFECTING PROPOSAL:

N/A

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

N/A

CITY STRATEGIC COMMITMENT:

The implementation of stop control will clearly define the "right-of-way" at the subject intersection, thus, reducing the potential for collisions and providing a safer community.

Attached: By-law & Key Map

Authority: Item , Name of Committee
Report
CM: Date

Bill No.

CITY OF HAMILTON
BY-LAW NO. 03-

To Amend By-law No. 01-215
Being a By-law to Regulate Traffic

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-215 to regulate traffic;

AND WHEREAS it is necessary to amend By-law No. 01-215;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule 5 (Stop Signs) of By-law No. 01-215, as amended, is hereby further amended by adding to Section "E" thereof the following items, namely:

"Hawkswood	Northbound	Kittyhawk (east intersection)."

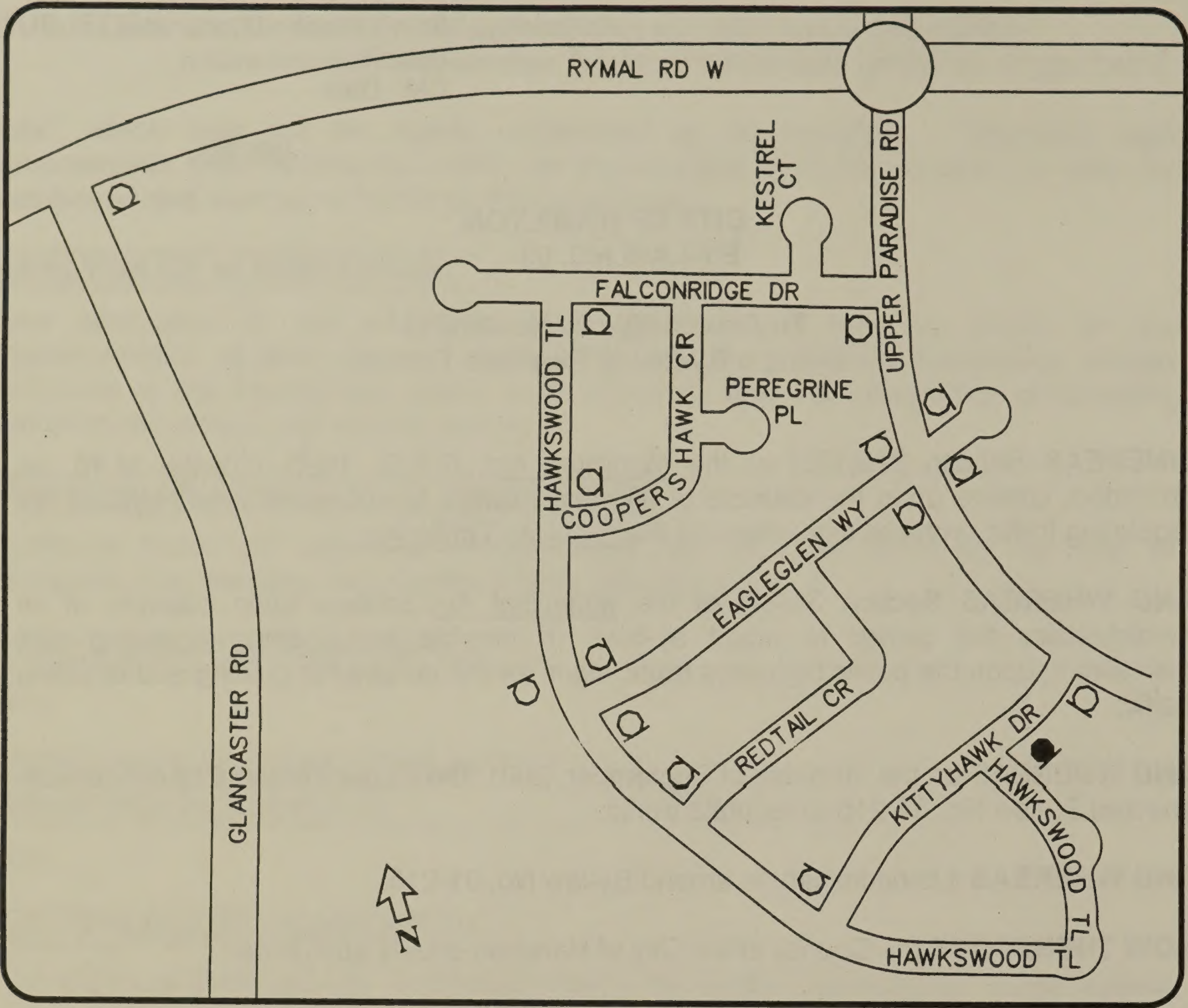
2. Subject to the amendment made in this By-law, in all other respects, By-law No. 01-215, including all Schedules thereto, as amended, is hereby confirmed unchanged.

3. This By-law shall come into force and take effect on the date of its passing and enactment.

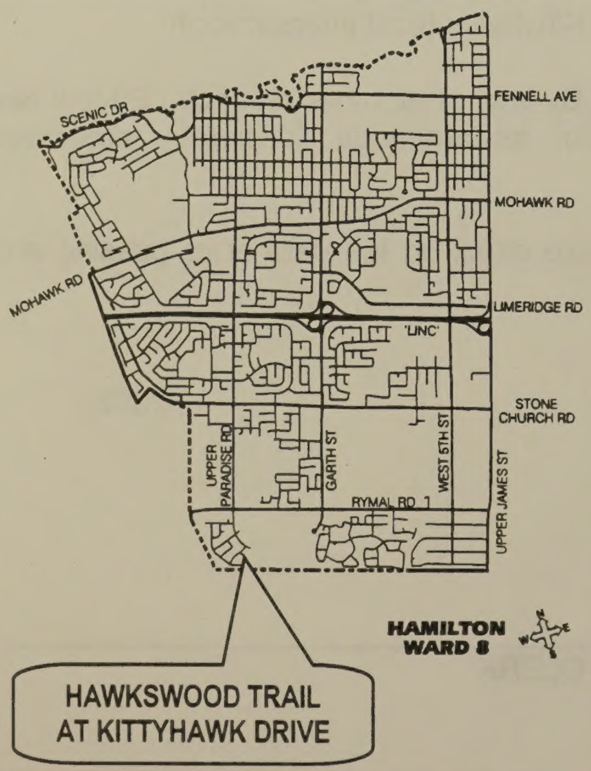
PASSED AND ENACTED this day of , 2003

MAYOR

CLERK


RYMAL RD W
KESTREL CT
UPPER PARADISE RD
FALCONRIDGE DR
HAWKSWOOD TL
HAWK CR
PEREGRINE PL
COOPERS
EAGLEGLEN WY
REDTAIL CR
KITTYHAWK DR
HAWKSWOOD TL
HAWKSWOOD TL
GLANCASTER RD
N

KEY MAP


FENNELL AVE
SCENIC DR
MOHAWK RD
MOHAWK RD
LIMERIDGE RD
'LINC'
STONE CHURCH RD
UPPER PARADISE RD
GARTH ST
WEST 5TH ST
UPPER JAMES ST
RYMAL RD
HAMILTON WARD 8
N
W
E
HAWKSWOOD TRAIL AT KITTYHAWK DRIVE

LOCATION PLAN

STOP CONTROL:
NORTHBOUND
HAWKSWOOD TRAIL
AT KITTYHAWK DRIVE
CITY OF HAMILTON
PUBLIC WORKS

LEGEND

➡ SUBJECT INTERSECTION

RECOMMENDED		EXISTING	
●	TRAFFIC SIGNAL	○	TRAFFIC SIGNAL
●	STOP SIGN	○	STOP SIGN
▼	YIELD SIGN	▽	YIELD SIGN

SCALE	DATE
NOT TO SCALE	2003-02-10

REFERENCE FILE NO: **TOE03024**

AFFECTS
WARD 4

4.10

CITY OF HAMILTON

TRANSPORTATION, OPERATIONS & ENVIRONMENT
Roads & Traffic

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Scott Stewart Acting General Manager
Date:	February 10, 2003	**Prepared by:**	T. Clayton Extension 5675

SUBJECT: **Province Street at Central Avenue - All-Way Stop Request (TOE03025) - (Ward 4)**

RECOMMENDATION:

(a) That all-way stop control be implemented at the intersection of Province Street and Central Avenue; and

(b) That the attached by-law to amend the City Traffic By-law 01-215 be passed and enacted.

Scott Stewart, Acting General Manager
Transportation, Operations & Environment

EXECUTIVE SUMMARY:

Councillor Merulla forwarded a request from an area resident, that an all-way stop control be implemented at the intersection of Province Street and Central Avenue.

Staff reviewed the subject intersection and due to the combined vehicular and pedestrian volume on Province Street, it is warranted for an all-way stop control.

BACKGROUND:

The information/recommendations contained within this report primarily affect Ward 4.

The subject intersection is a four-leg intersection with eastbound and westbound traffic on Central required to stop for northbound and southbound traffic on Province. A review of the collision history revealed no reported collisions at the intersection, which is a very good collision record. Staff checked visibility of oncoming traffic and determined that there is adequate sight distance for the eastbound and westbound motorists looking north and south on Province. Thus, visibility and driver safety is satisfactory.

However, staff observed the traffic volumes to be moderate and the pedestrian volumes to be high particularly during school times. There is a significant number of students crossing Province without the protection of traffic controls. Given the combined vehicle/pedestrian volumes on Province and the potential for conflict the all-way stop warrant is satisfied for this location.

ANALYSIS OF ALTERNATIVES:

One alternative to the recommendation would be to take no action on the implementation of an all-way stop control. There have been no reported collisions at this intersection, which is an indication that the intersection is operating satisfactorily with the current stop control.

As an alternate to stop control, the following options are available to the resident to address concerns regarding motorists' poor driving habits:

- participate in the Neighbourhood Speed Watch Program,
- report aggressive drivers to the Hamilton Police Services Road Rage Hotline, and/or
- request enforcement from the Hamilton Police Services.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Sufficient funds are available in the current account to cover the cost of manufacturing, erecting and maintaining the required signs.

POLICIES AFFECTING PROPOSAL:

All-way stop control at the subject intersection is supported by the City Council approved policy entitled the “Installation Policy for All-way Stop Control at Intersections”.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

N/A

CITY STRATEGIC COMMITMENT:

Based on the policy criteria, the combination of vehicular volume and students crossing at this intersection warrants an all-way stop control. In this case, an all-way stop should contribute to the City's commitment to provide a safe physical environment for residents.

Attached: By-law & Key Map

Authority: Item , Name of Committee
Report
CM: Date

Bill No.

CITY OF HAMILTON

BY-LAW NO. 03-

To Amend By-law No. 01-215 Being a By-law To Regulate Traffic

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-215 to regulate traffic;

AND WHEREAS it is necessary to amend By-law No. 01-215;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule 5 (Stop Signs) of By-law No. 01-215, as amended, is hereby further amended by [adding or deleting] [from-to] Section "[Section Letter]" thereof the following [item or items], namely:

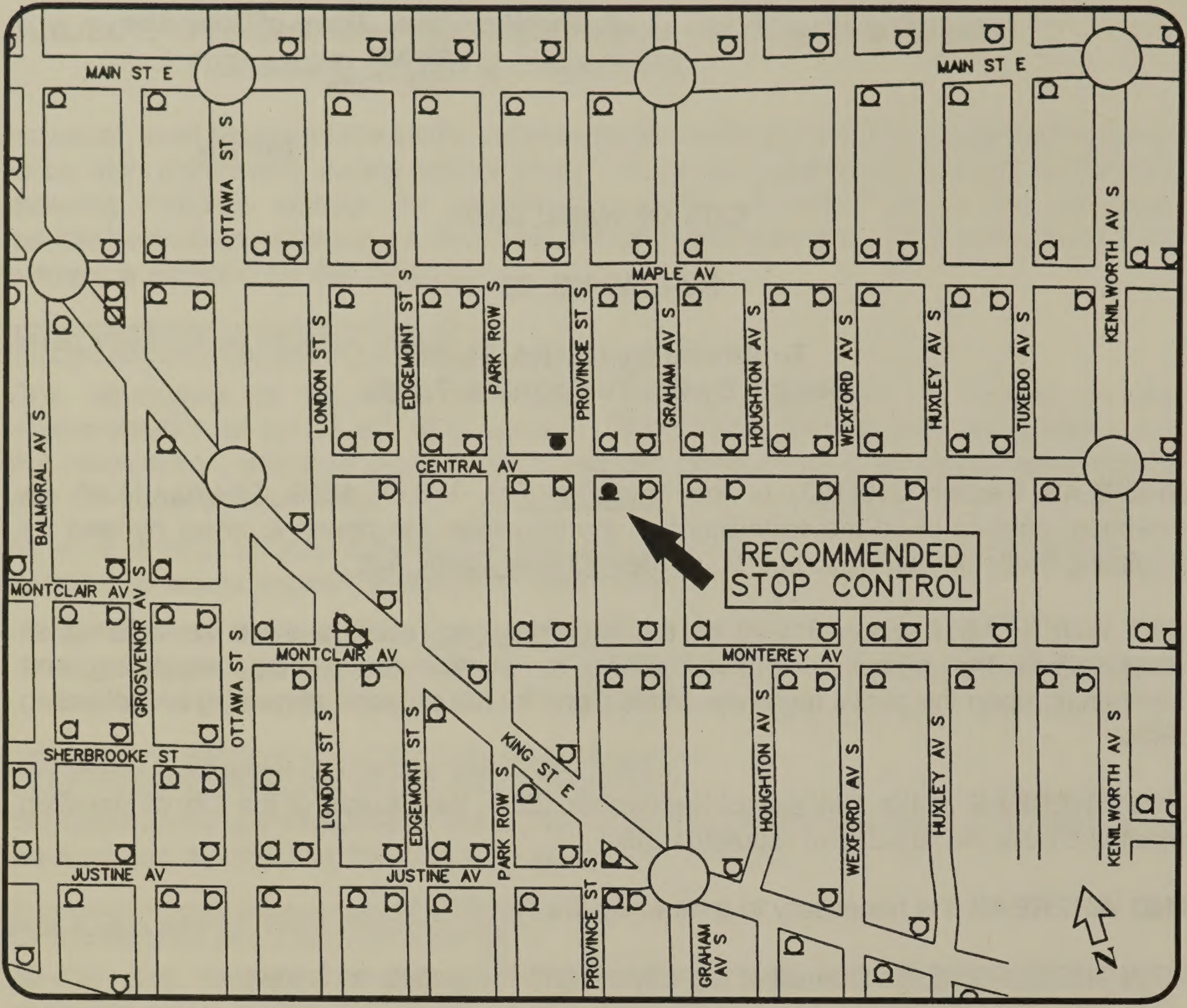
   “Province Northbound and Southbound Central”

2. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-215, including all Schedules thereto, as amended, is hereby confirmed unchanged.

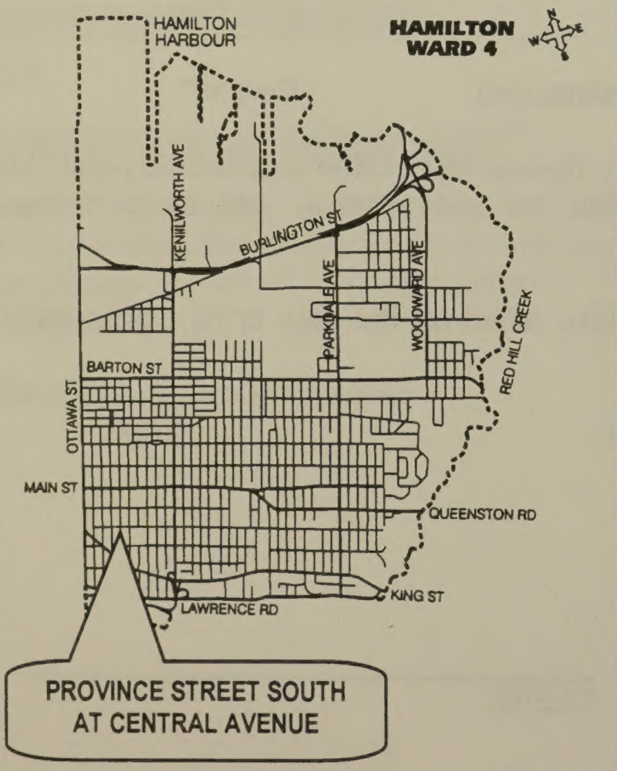
3. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED and ENACTED this day of , 2003

MAYOR CLERK


MAIN ST E
MAIN ST E
OTTAWA ST S
MAPLE AV
BALMORAL AV S
LONDON ST S
EDGEMONT ST S
PARK ROW S
PROVINCE ST S
GRAHAM AV S
HOUGHTON AV S
WEXFORD AV S
HUXLEY AV S
TUXEDO AV S
KENILWORTH AV S
CENTRAL AV
RECOMMENDED STOP CONTROL
MONTCLAIR AV
GROSVENOR AV S
OTTAWA ST S
MONTCLAIR AV
MONTEREY AV
SHERBROOKE ST
LONDON ST S
EDGEMONT ST S
KING ST E
PARK ROW S
HOUGHTON AV S
WEXFORD AV S
HUXLEY AV S
KENILWORTH AV S
JUSTINE AV
JUSTINE AV
PROVINCE ST S
GRAHAM AV S
N

KEY MAP


HAMILTON HARBOUR
HAMILTON WARD 4
KENILWORTH AVE
BURLINGTON ST
PARKDALE AVE
WOODWARD AVE
RED HILL CREEK
BARTON ST
OTTAWA ST
MAIN ST
QUEENSTON RD
KING ST
LAWRENCE RD
PROVINCE STREET SOUTH AT CENTRAL AVENUE

LOCATION PLAN

ALL-WAY STOP CONTROL:
PROVINCE STREET SOUTH
AT
CENTRAL AVENUE
CITY OF HAMILTON
PUBLIC WORKS

LEGEND

➡ SUBJECT INTERSECTION

RECOMMENDED		EXISTING	
●	TRAFFIC SIGNAL	○	TRAFFIC SIGNAL
●	STOP SIGN	○	STOP SIGN
▼	YIELD SIGN	▽	YIELD SIGN

SCALE	DATE
NOT TO SCALE	2003-02-10

REFERENCE FILE NO: TOE03025

AFFECTS WARD 11

4.11

CITY OF HAMILTON

TRANSPORTATION, OPERATIONS & ENVIRONMENT
Roads & Traffic

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Scott Stewart Acting General Manager
Date:	February 10, 2003	**Prepared by:**	Rich Shebib Extension 3909

SUBJECT: **Southbrook on the Green Subdivision (Phase 2 & 3) – Stop Sign Installations (TOE03026) - (Ward 11)**

RECOMMENDATION:

(a) That westbound stop control be implemented on Switzer Crescent at Southbrook Drive (north intersection); and,

(b) That westbound stop control be implemented on Switzer Crescent at Southbrook Drive (south intersection); and,

(c) That southbound stop control be implemented on Southbrook Drive at Etherington Crescent (north intersection); and,

(d) That westbound stop control be implemented on Etherington Crescent at Southbrook Drive (south intersection); and,

(e) That northbound stop control be implemented on Riverside Court at Southbrook Drive; and,

(f) That the attached by-law to amend the City Traffic By-law 01-215 be passed and enacted.

Scott

Scott Stewart, Acting General Manager
Transportation, Operations & Environment

EXECUTIVE SUMMARY:

Staff have reviewed the plans for the Southbrook on the Green Subdivision, Phase 2 & Phase 3. This new subdivision is located south of Binbrook Road and east of Southbrook Road. The purpose of the review was to identify locations where stop control is required at several new intersections within this subdivision. The installation of the subject stop signs is funded with capital raised through development levies.

Staff has identified five "T" type intersections within this subdivision where stop control would be appropriate. The implementation of these stop signs will promote safe and efficient traffic movements in this subdivision.

BACKGROUND:

The information/recommendations contained within this report primarily affects Ward 11.

The Traffic Engineering office received a plan for a new subdivision from the Planning and Development Department. Staff have reviewed the Southbrook on the Green Subdivision roadway layout and are recommending that stop controls be implemented at five intersections within this subdivision to define the right-of-way rules for motorists and pedestrians. All locations are "T" type intersections. The stop controls are recommended on the leg representing the stem of "T".

ANALYSIS OF ALTERNATIVES:

One alternative to implementing stop control at the "T" type intersections would be to take no action. The Ontario Highway Traffic Act stipulates that all traffic approaching an uncontrolled intersection must yield the right-of-way to traffic approaching on the right. However, in the interest of public safety, and in lieu of the otherwise applicable right-hand-rule, which may not be clearly understood by all motorists, staff are recommending that stop signs be installed on the stem of these "T" type intersections.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Sufficient funds are available in the regular current accounts to cover the costs of manufacturing, erecting and maintaining the required signs. Funding is added to the sign installation accounts from development charges specifically for such items.

POLICIES AFFECTING PROPOSAL:

All-way stop control is not warranted at any of the intersections based on the City Council approved policy entitled the "Installation Policy for All-way Stop Control at Intersections".

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

N/A

CITY STRATEGIC COMMITMENT:

The installation of the stop signs at the subject intersections will clearly define the right-of-way, thus reducing the potential for collisions and providing for a safer community environment.

Attached: Key Map and By-law

Authority: Item , Name of Committee
Report
CM: Date

Bill No.

CITY OF HAMILTON

BY-LAW NO. 03-

To Amend By-law No. 01-215 Being a By-law To Regulate Traffic

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-215 to regulate traffic;

AND WHEREAS it is necessary to amend By-law No. 01-215;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule 5 (Stop Signs) of By-law No. 01-215, as amended, is hereby further amended by adding to Section "B" thereof the following items, namely:

"Switzer Crescent	Westbound	Southbrook Drive (North Intersection)
Switzer Crescent	Westbound	Southbrook Drive (South Intersection)
Southbrook Drive	Southbound	Etherington Crescent (North Intersection)
Etherington Crescent	Westbound	Southbrook Drive (South Intersection)
Riverside Court	Northbound	Southbrook Drive"

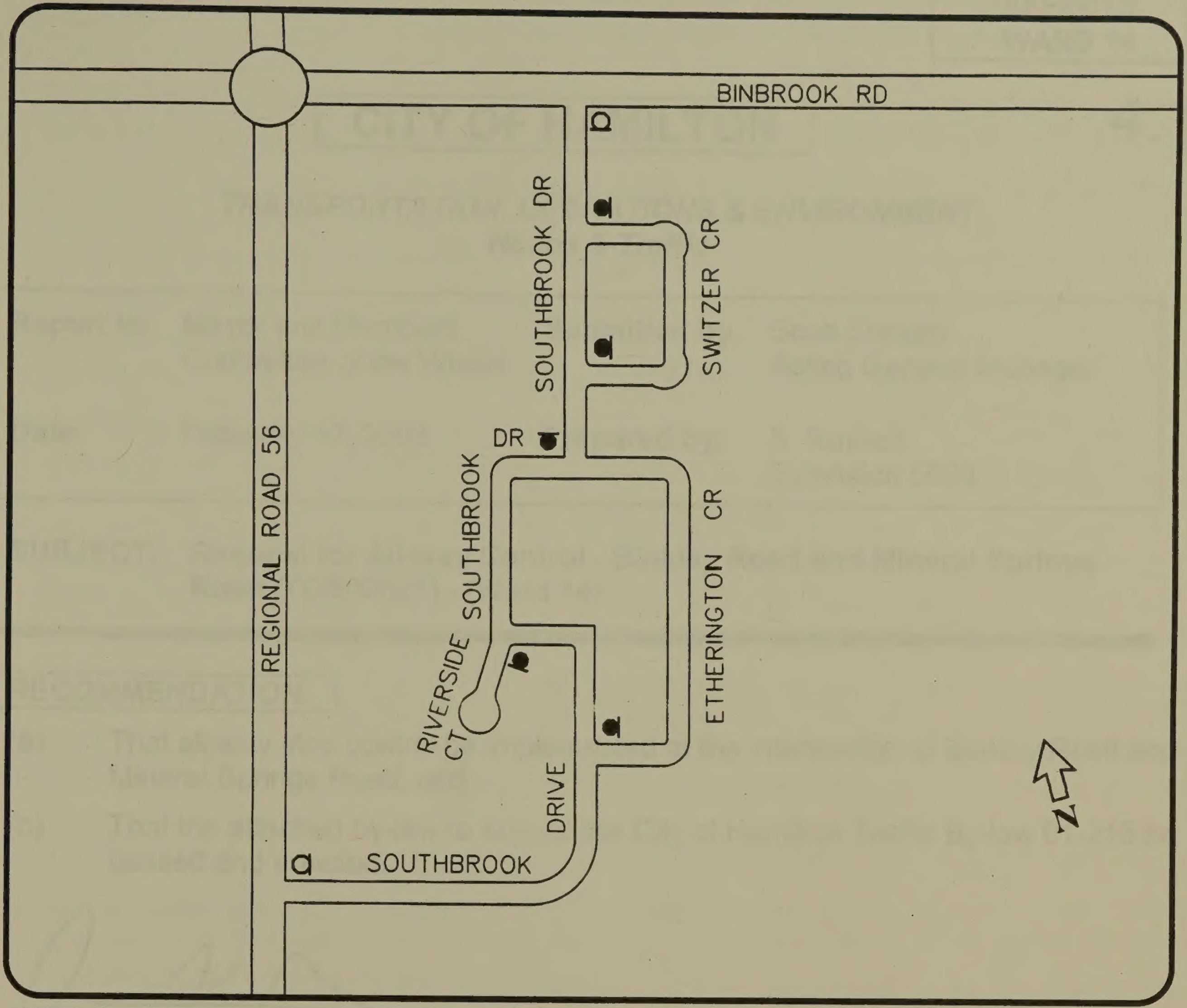
2. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-215, including all Schedules thereto, as amended, is hereby confirmed unchanged.

3. This By-law shall come into force and take effect on the date of its passing and enactment.

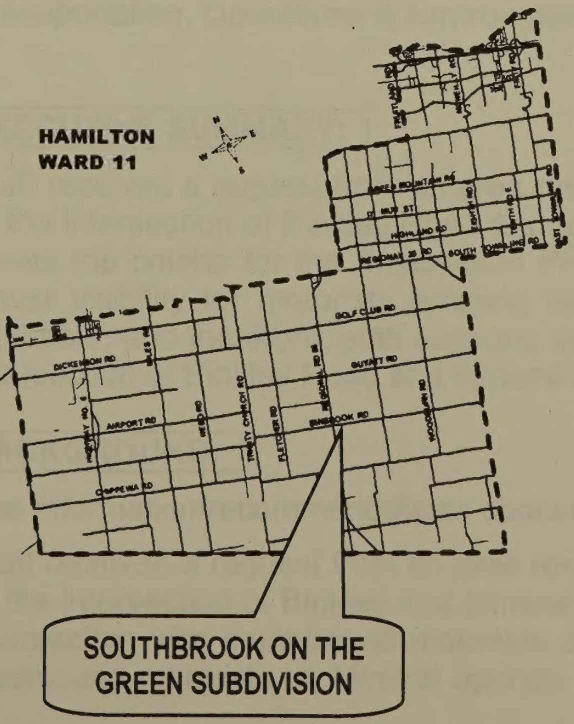
PASSED and ENACTED this day of , 2003

MAYOR

CLERK


BINBROOK RD
SOUTHBROOK DR
SWITZER CR
REGIONAL ROAD 56
DR
SOUTHBROOK
ETHERINGTON CR
RIVERSIDE CT
DRIVE
SOUTHBROOK
N

KEY MAP


HAMILTON
WARD 11
GOLF CLUB RD
DICKENSON RD
AIRPORT RD
GUYATT RD
BINBROOK RD
CHIPPEWA RD
SOUTHBROOK ON THE GREEN SUBDIVISION

LOCATION PLAN

STOP CONTROL:

SOUTHBROOK ON THE GREEN SUBDIVISION

CITY OF HAMILTON
PUBLIC WORKS

LEGEND

➡ SUBJECT INTERSECTION

RECOMMENDED		EXISTING	
●	TRAFFIC SIGNAL	○	TRAFFIC SIGNAL
●	STOP SIGN	○	STOP SIGN
▼	YIELD SIGN	▽	YIELD SIGN

SCALE	DATE
NOT TO SCALE	2003-02-10

REFERENCE FILE NO: TOE03026

AFFECTS WARD 14

CITY OF HAMILTON

4.12

TRANSPORTATION, OPERATIONS & ENVIRONMENT
Roads & Traffic

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Scott Stewart Acting General Manager
Date:	February 10, 2003	**Prepared by:**	S. Russell Extension 5660

SUBJECT: **Request for All-way Control - Binkley Road and Mineral Springs Road (TOE03027) - (Ward 14)**

RECOMMENDATION:

(a) That all-way stop control be implemented at the intersection of Binkley Road and Mineral Springs Road; and

(b) That the attached by-law to amend the City of Hamilton Traffic By-law 01-215 be passed and enacted.

Scott Stewart, Acting General Manager
Transportation, Operations & Environment

EXECUTIVE SUMMARY:

Staff received a request from an area resident that all-way stop control be implemented at the intersection of Binkley Road and Mineral Springs Road. The subject intersection meets the criteria for the "Installation Policy for All-way Stop Control at Intersections". Driver visibility for motorists entering the intersection from the west leg is less than desirable, and therefore, staff supports the implementation of all-way stop control at the intersection of Binkley Road and Mineral Springs Road.

BACKGROUND:

The information/recommendations contained within this report primarily affect Ward 14.

Staff received a request from an area resident that all-way stop control be implemented at the intersection of Binkley and Mineral Springs. The subject intersection is a "T" type intersection with southbound motorists on Binkley required to stop for eastbound and westbound motorists on Mineral Springs. There have been no reported collisions at the subject intersection in the past three years. This is an excellent collision record, however, there are concerns from area residents with respect to limited driver sightlines.

A site investigation determined that visibility of eastbound motorists is only 58 metres. Motorists require a minimum of 95 metres of sight distance to determine if they can safely proceed through the intersection. Visibility of westbound motorists is satisfactory.

Based on the policy criteria, the limited visibility at this intersection warrants all-way stop control. Therefore, staff recommends that an all-way stop control be implemented at the intersection of Binkley Road and Mineral Springs Road as a measure to reduce the potential for collisions.

ANALYSIS OF ALTERNATIVES:

One alternative to the recommendation would be to take no action on the implementation of an all-way stop control. There have been no reported collisions at this intersection, which is an indication that the intersection is operating satisfactorily with the current stop control.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Sufficient funds are available in the current account to cover the cost of manufacturing, erecting and maintaining the required signs.

POLICIES AFFECTING PROPOSAL:

All-way stop control at the subject intersection is supported by the City Council approved policy entitled the “Installation Policy for All-way Stop Control at Intersections”.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

N/A

CITY STRATEGIC COMMITMENT:

Based on the approved policy, the limited sight visibility at the intersection warrants all-way stop control. In this case, an all-way stop should contribute to the City's commitment to provide a safe physical environment for residents.

Attached: By-law & Key Map

Authority: Item , Name of Committee
Report
CM: Date

Bill No.

CITY OF HAMILTON

BY-LAW NO. 03-

To Amend By-law No. 01-215 Being a By-law To Regulate Traffic

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-215 to regulate traffic;

AND WHEREAS it is necessary to amend By-law No. 01-215;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule 5 (Stop Signs) of By-law No. 01-215, as amended, is hereby further amended by adding to Section "A" thereof the following item, namely:

   “Mineral Springs   Eastbound and Westbound   Binkley”

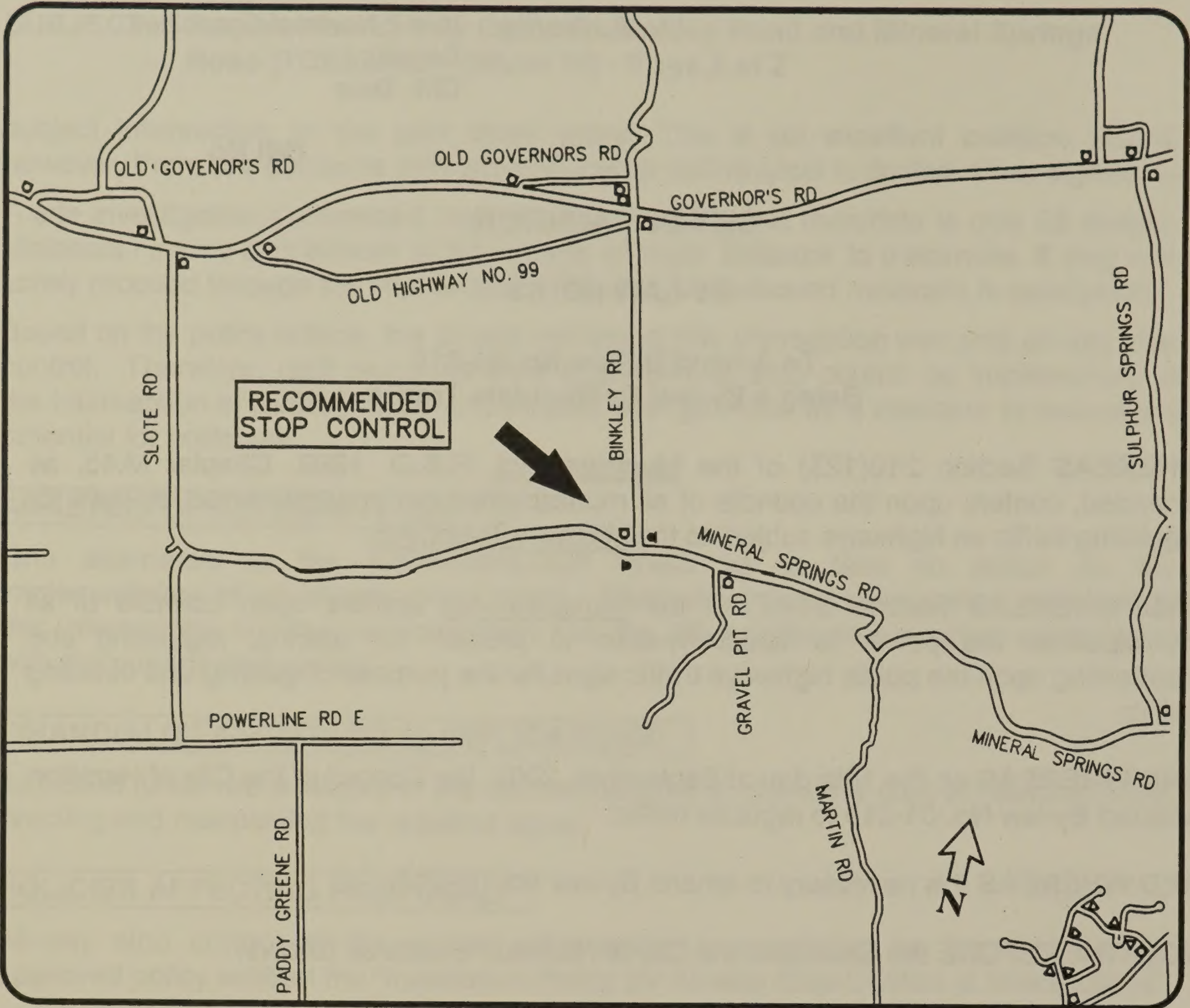
2. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-215, including all Schedules thereto, as amended, is hereby confirmed unchanged.

3. This By-law shall come into force and take effect on the date of its passing and enactment.

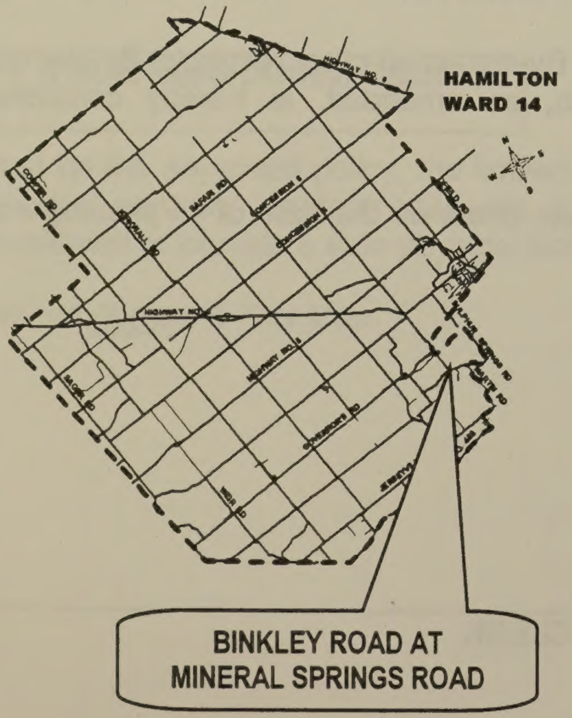
PASSED and ENACTED this day of , 2003

MAYOR

CLERK


OLD GOVENOR'S RD
OLD GOVERNORS RD
GOVERNOR'S RD
OLD HIGHWAY NO. 99
SULPHUR SPRINGS RD
SLOTE RD
RECOMMENDED STOP CONTROL
BINKLEY RD
MINERAL SPRINGS RD
GRAVEL PIT RD
POWERLINE RD E
MINERAL SPRINGS RD
MARTIN RD
PADDY GREENE RD
N

KEY MAP


HAMILTON
WARD 14
BINKLEY ROAD AT
MINERAL SPRINGS ROAD

LOCATION PLAN

ALL-WAY STOP CONTROL:
BINKLEY ROAD
AT
MINERAL SPRINGS ROAD
CITY OF HAMILTON
PUBLIC WORKS

LEGEND

➡ SUBJECT INTERSECTION

RECOMMENDED	EXISTING
● TRAFFIC SIGNAL	○ TRAFFIC SIGNAL
● STOP SIGN	○ STOP SIGN
▼ YIELD SIGN	▽ YIELD SIGN

SCALE	DATE
NOT TO SCALE	2003-02-10

REFERENCE FILE NO: **TOE03027**

AFFECTS WARD 12

4.13

CITY OF HAMILTON

TRANSPORTATION, OPERATIONS & ENVIRONMENT
Roads & Traffic

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Scott Stewart Acting General Manager
Date:	February 11, 2003	**Prepared by:**	Rich Shebib Extension 3909

SUBJECT: **Valridge Drive at Tranquility Avenue Meadowbrook Manors 3B Subdivision - Stop Sign Installations (TOE03028) - (Ward 12)**

RECOMMENDATION:

(a) That northbound and southbound stop control be implemented on Valridge Drive at Tranquility Avenue; and,

(b) That the attached by-law to amend the City Traffic By-law 01-215 be passed and enacted.

Scott Stewart, Acting General Manager
Transportation, Operations & Environment

EXECUTIVE SUMMARY:

Staff have reviewed the plans for the Meadowbrook Manors 3B Subdivision. This new subdivision is located west of Meadowbrook Drive and south of Jerseyville Road. The purpose of the review was to identify locations where stop control is required at new intersections within this subdivision. The installation of the subject stop signs is funded with capital raised through development levies.

Staff has identified one intersection within this subdivision where stop control would be appropriate. The implementation of stop signs at the intersection of Valridge Drive and Tranquility Avenue will promote safe and efficient traffic movements in this subdivision.

BACKGROUND:

The information/recommendations contained within this report primarily affects Ward 12.

The Traffic Engineering office received a plan for a new subdivision from the Planning and Development Department. Staff have reviewed the Meadowbrook Manors 3B Subdivision roadway layout and are recommending that stop controls be implemented northbound and southbound on Valridge Drive at Tranquility Avenue to define the right-of-way rules for motorists and pedestrians.

ANALYSIS OF ALTERNATIVES:

One alternative to implementing stop control at this intersection would be to take no action. The Ontario Highway Traffic Act stipulates that all traffic approaching an uncontrolled intersection must yield the right-of-way to traffic approaching on the right. However, in the interest of public safety, and in lieu of the otherwise applicable right-hand-rule, which may not be clearly understood by all motorists, staff are recommending that stop signs be installed.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Sufficient funds are available in the regular current accounts to cover the costs of manufacturing, erecting and maintaining the required signs. Funding is added to the sign installation accounts from development charges specifically for such items.

POLICIES AFFECTING PROPOSAL:

All-way stop control is not warranted at this intersection based on the City Council approved policy entitled the “Installation Policy for All-way Stop Control at Intersections”.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

N/A

CITY STRATEGIC COMMITMENT:

The installation of the stop signs at the subject intersections will clearly define the right-of-way, thus reducing the potential for collisions and providing for a safer community environment.

Attached: Key Map and By-law

Authority: Item , Name of Committee
Report
CM: Date

Bill No.

CITY OF HAMILTON

BY-LAW NO. 03-

To Amend By-law No. 01-215
Being a By-law To Regulate Traffic

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-215 to regulate traffic;

AND WHEREAS it is necessary to amend By-law No. 01-215;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule 5 (Stop Signs) of By-law No. 01-215, as amended, is hereby further amended by adding to Section "A" thereof the following items, namely:

   “Valridge   Northbound and Southbound   Tranquility”

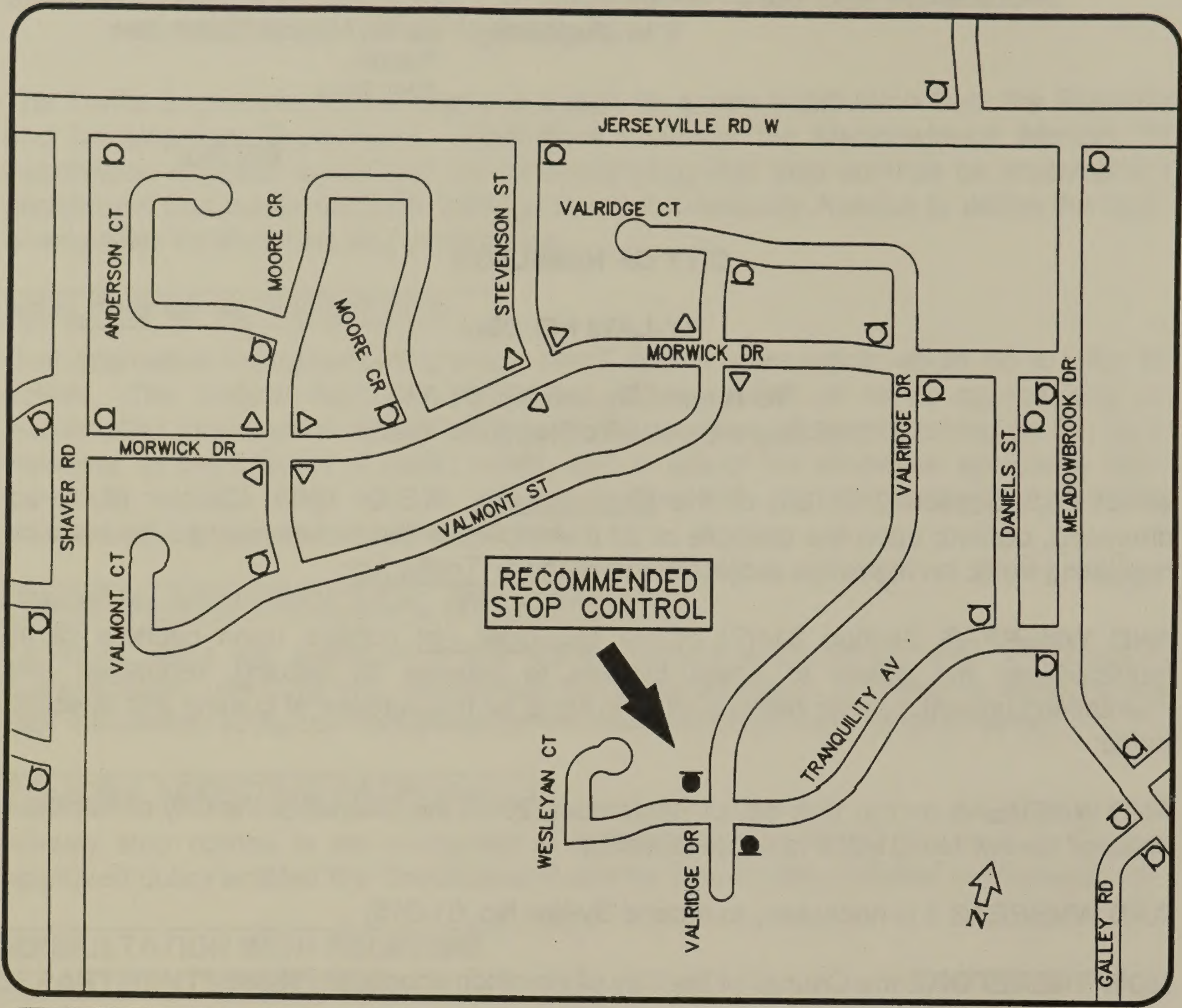
2. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-215, including all Schedules thereto, as amended, is hereby confirmed unchanged.

3. This By-law shall come into force and take effect on the date of its passing and enactment.

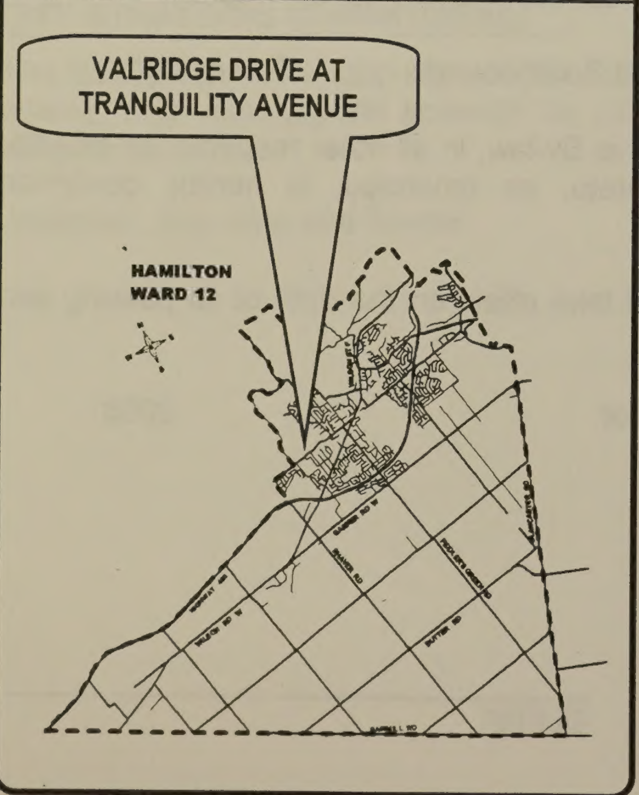
PASSED and ENACTED this day of , 2003

MAYOR

CLERK


JERSEYVILLE RD W
VALRIDGE CT
ANDERSON CT
MOORE CR
STEVENSON ST
MOORE CR
MORWICK DR
MORWICK DR
SHAVER RD
VALMONT ST
VALMONT CT
VALRIDGE DR
DANIELS ST
MEADOWBROOK DR
RECOMMENDED
STOP CONTROL
TRANQUILITY AV
WESLEYAN CT
VALRIDGE DR
N
GALLEY RD

KEY MAP


VALRIDGE DRIVE AT
TRANQUILITY AVENUE
HAMILTON
WARD 12

LOCATION PLAN

STOP CONTROL:
NORTHBOUND AND SOUTHBOUND
VALRIDGE DRIVE
AT
TRANQUILITY AVENUE
CITY OF HAMILTON
TRANSPORTATION, OPERATIONS & ENVIRONMENT

LEGEND

➡ SUBJECT INTERSECTION

	RECOMMENDED		EXISTING
●	TRAFFIC SIGNAL	○	TRAFFIC SIGNAL
●	STOP SIGN	○	STOP SIGN
▼	YIELD SIGN	▽	YIELD SIGN

SCALE
NOT TO SCALE

DATE
2003-02-11

REFERENCE FILE NO: **TOE03028**

AFFECTS
WARD 11

4.14

CITY OF HAMILTON

TRANSPORTATION, OPERATIONS & ENVIRONMENT
Design & Construction

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Scott Stewart Acting General Manager
Date:	February 11, 2003	**Prepared by:**	W. Baxter, C.E.T. Extension 2806

SUBJECT: Tree Removal Request - Seabreeze Crescent from Glover Access Road to McNeilly Road (TOE03029) - (Ward 11)

RECOMMENDATION:

That the existing trees, as shown on the attached Tree Inventory be approved for removal to facilitate the construction of a replacement watermain on Seabreeze Crescent in the City of Hamilton.

Scott Stewart, Acting General Manager
Transportation, Operations and Environment

EXECUTIVE SUMMARY:

The removal of (21) twenty-one trees on Seabreeze Crescent is needed to facilitate the construction of a replacement watermain. These trees are in a varied state of decline and/or poor condition as noted on the attached tree inventory prepared by the City forestry staff. Council approval for the tree removals is being sought at this time to facilitate the proposed construction.

BACKGROUND:

Contract TOE-02-59 (SW) which includes watermain replacement and sanitary sewer construction on Seabreeze Crescent from Glover Access Road to McNeilly Road and on McNeilly Road from Seabreeze Crescent to the North Service Road was tendered and awarded in accordance with Purchasing Policy No. 6.

This co-ordinated watermain and sanitary sewer project will serve to upgrade deficient watermain infrastructure, thereby improving the supply of potable water to area residents. In addition a new sanitary sewer facility is being constructed which will provide sanitary sewer servicing for adjacent property owners.

In order to complete the watermain construction, (21) twenty-one trees require removal. All of the trees to be removed are in an open channel, which crosses Seabreeze Crescent. The storm drainage channel is scheduled for major improvements later this year under separate contract. These trees would need removal at that time to facilitate the construction of the channel. The trees scheduled for removal are expected to sustain major root damage as a result of the installation of the watermain. City forestry staff has provided a condition review of these trees and is in agreement with the removal recommendations in this report.

As shown on the attached photo sheet, the only trees to be removed on Seabreeze Crescent are in the open channel area and not in front of any residential property. Forestry staff will contact the owners adjacent to the channel prior to any removal.

ANALYSIS OF ALTERNATIVES:

In order to avoid the removal of the trees, the location of the proposed watermain would need to be constructed at the same location as the existing watermain. This action would increase the project cost by approximately $25,000 and increase the impact to property owners due to the need to provide temporary watermain servicing during the removal of the existing watermain. In addition, the new watermain would be closer to the new sanitary sewer and would not provide a location for a proposed storm sewer should this road be urbanized and ditches eliminated.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

There is sufficient appropriation in Capital Budget Number 5140063021 (Seabreeze Crescent - watermain construction) to fund the cost for the removal of these trees, which is estimated to be approximately $5,000.

POLICIES AFFECTING PROPOSAL:

Council approval is being requested in accordance with the provisions of the former City of Hamilton Tree By-law Number 92-155.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Parks (Forestry) Division staff were consulted in the preparation of this report and are in agreement regarding the existing condition and proposed removal of the trees as outlined in the attached Tree Inventory.

CITY STRATEGIC COMMITMENT:

The removal of the trees will facilitate the construction of the replacement watermain whose construction will assist in Council's strategic goal of a healthy, safe and green city by investing in safe water for today and tomorrow to ensure reliable and safe sources of drinking water for area residents.

Attachments: (3)

- Tree Inventory
- Key Map
- Photos

Tree Inventory for Seabreeze Crescent - February 7, 2003

TREE NUMBER	LOCATION	SPECIES	CONDITION	ACTION	REPLACEMENT VALUE
1	In drainage ditch	300mm Dia. White Ash	Poor - In Decline 40% Die Back	Remove	Not Applicable
2	In drainage ditch	300mm Dia. White Ash	Poor - In Decline 40% Die Back	Remove	Not Applicable
3	In drainage ditch	300mm Dia. White Ash	Poor - In Decline 40% Die Back	Remove	Not Applicable
4	In drainage ditch	150mm Dia. White Ash	Poor - In Decline 40% Die Back	Remove	Not Applicable
5 to 16	In drainage ditch	50 to 100 mm Dia. Manitoba Maple (UNDER BRUSH)	Volunteer Species Poor Condition (UNDESIRABLE)	Remove	Not Applicable
17	In drainage ditch	250mm Dia. Manitoba Maple	Severe Lean Poor Condition	Remove	Not Applicable
18	In drainage ditch	400mm Dia. Manitoba Maple	Severe Lean Poor Condition	Remove	Not Applicable
19	In drainage ditch	200mm Dia. Manitoba Maple	Severe Lean Poor Condition	Remove	Not Applicable
20	In drainage ditch	300mm Dia. Manitoba Maple	Severe Lean Poor Condition	Remove	Not Applicable
21	In drainage ditch	200mm Dia. Manitoba Maple	Severe Lean Poor Condition	Remove	Not Applicable

AFFECTS WARD 8

4.15

CITY OF HAMILTON

COMMUNITY SERVICES DEPARTMENT
Corporate Buildings and Real Estate

Report to:	Mayor & Members of the Committee of the Whole	**Submitted by:**	William E. Fenwick, Acting General Manager
Date:	February 11, 2003	**Prepared by:**	William Moffatt 905-628-4420

SUBJECT: **Filming Contract Request - Auchmar Estate - Brewster (BHH) Productions Ltd. (CS03012) (Ward 8)**

RECOMMENDATION:

(a) That Staff be authorized and directed to enter into a Licence Agreement with Brewster (BHH) Productions Inc. or such other incorporated body to be verified for the purpose of filming a second season of the T.V. series entitled "Strange Days at Blake Holsey High" and utilizing the Auchmar Estate located at 88 Fennell Avenue West for a period of time commencing March 17, 2003, and completing October 31, 2003, for a total rental revenue of $140,000.;

(b) That the terms and conditions of this agreement be in a form acceptable to the City Solicitor;

(c) That utilization of the Auchmar Estate be subject to the terms and conditions of the Ontario Heritage Foundation Easement and any alterations to the property be subject to the prior approval of the City.

(d) That Council authorise and direct the General Manager of Finance to set up a reserve for revenue over and above operating costs for the Auchmar estate to be used for repairs exclusively at Auchmar.

William E. Fenwick, Acting General Manager
Community Services Department

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval to enter into a contract to allow filming a second season of the T.V. Series entitled "Strange Days at Blake Holsey High" at Auchmar Estate. This recommendation is preceding an RFP from Staff to attempt to alter ownership / control of the Estate.

BACKGROUND:

The information / recommendations contained within this report primarily affect Ward 8.

On February 6, 2001, Council approved Item 25 of Committee of the Whole, directing Staff to prepare Terms of Reference for the use of Auchmar Property and report back to Council. On July 9, 2002, Committee of the Whole Tabled Item 15.2 to allow for the Ward Councillor to discuss further with the affected community. Subsequently on October 23, 2002, Council approved Item 10.2 to issue an RFP for the adaptive re-use of the Auchmar Estate at no cost to the City.

On or about June 16, 2002, Staff were contacted by the firm of Brewster (BHH) Productions Inc. about possibly utilizing the Auchmar Estate to film a pilot TV series. On June 21, 2002, Staff were contacted by Brewster Inc. confirming their desire to utilize the Estate effective immediately.

On June 26, 2002, Council approved a Motion with respect to Report # CS02061 (Filming Contract Request – Auchmar Estate) therein granting permission to proceed.

On January 14, 2003, Staff were contacted by the firm of Brewster (BHH) Productions Inc. about their desire to utilize the Auchmar Estate to film a second season of the TV series. Staff recommend this position as it will run concurrent with the RFP FOR ADAPTIVE REUSE. Any changes in ownership arising out of the RFP can be structured to occur at the end of the TV series filming agreement.

ANALYSIS OF ALTERNATIVES:

Council could choose not to allow this contract to proceed and Brewster (BHH) Productions Inc. would find it difficult to find an alternate location due to the first season episodes have already been filmed and broadcast. The City would also not realize the revenue if this was not approved.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial

As a result of entering into the contract, the City would receive rental payment of $140,000. for the seven months required. In addition, the film crew is proposing to make some additional restorative changes such as painting and landscaping which may be of cost avoidance and benefit to the City.

The revenue of $140,000. would offset projected operating costs of $35,000. and allow for continued repairs/restoration work to prevent the building from further deterioration. Consequently staff are requesting that a reserve be set up for any excess revenue to be deposited to, in order to fund repairs as may be required under the terms of our Ontario Heritage Easement.

Staffing

There are no staffing implications arising out of this recommendation.

Legal Implications

The document must be in a form acceptable to the City Solicitor. An Ontario Heritage Foundation Easement is in place and must be adhered to.

Future use of the property is to include provisions to consider the subsequent filming as may be required by Brewster Inc. but not be of such constraint to cease the transfer of ownership.

Staff are recommending that approval be granted to enter into this contract at this time for the seven month period requested.

Staff have advised Brewster Inc. that it cannot verify future use of the property, but have agreed to attempt to have any new occupier of the Estate recognize the request and consider possible subsequent year's rental.

This agreement to licence the Estate at this time would be in a form satisfactory to the City Solicitor and any alterations to the property would require City approval in advance.

POLICIES AFFECTING PROPOSAL:

Ontario Heritage Foundation Easement is in effect controlling any alterations to the facility or grounds.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Legal Services with respect to document preparation and terms.

Planning Department with respect to Heritage Planning.

CITY STRATEGIC COMMITMENT:

The City of Hamilton is committed to promoting the development of Arts, Culture and Heritage. The recommendation herein would ensure stewardship is intact, that small repairs and enhancements are undertaken, as well as promoting the City as an accessible and motivated area to allow filming investment to take place.

SECTION 5

CITY WIDE IMPLICATIONS

5.1

CITY OF HAMILTON

CORPORATE SERVICES DEPARTMENT
Information Technology Services

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Joseph L. Rinaldo General Manager Corporate Services
Date:	February 19, 2003	**Prepared by:**	Louis Shallal 546-2251

SUBJECT: **Connect Hamilton-Create Community Project - FCS03057 - (City Wide)**

RECOMMENDATION:

WHEREAS, various community organizations have been working together to develop a proposal to the Province of Ontario for funding as part of the Connect Ontario Program, and

WHEREAS, a Business Plan has been prepared for the "Connect Hamilton – Create Community" Project which details the project's scope and deliverables to meet Connect Ontario Program requirements, and

WHEREAS, numerous letters of support for this project have been received from various organizations, community groups and academic institutions in the City including the Hamilton Chamber of Commerce, McMaster University, Mohawk College, FibreWired, Industry Education Council, Hamilton Public Library, and Intermedium, and

WHEREAS, The City of Hamilton has been a keen supporter and lead partner in the development of the Business Plan for the project, and

WHEREAS, capital funds have been provided to match contributions from the Province, and

WHEREAS, in-kind contributions of staff time are provided in the operating budget as well as the e-government program of the City.

THEREFORE, be it resolved that the Council of the City of Hamilton endorses and supports the application for the Connect Hamilton – Create-Community project for funding by the Province on Ontario,

AND BE IT FURTHER RESOLVED THAT the Council of the City of Hamilton, together with the community partners identified in the Business Plan will provide financial and in-kind contributions to the Connect Hamilton – Create Community Project in accordance with the Business Plan.

Joseph L. Rinaldo,
General Manager, Corporate Services

EXECUTIVE SUMMARY:

Many municipalities across the province have applied for funding under the Connect Ontario/GeoSmart Program. Connect Hamilton – Create Community (CHCC) is the Hamilton Technology Infrastructure Project being submitted to the Province of Ontario as part of the Connect Ontario Program.

CHCC proposes the establishment of a comprehensive **gateway** to Hamilton residents and the world to community information and resources in the form of a Community Portal. CHCC is a web based portal intended to reach out to those in the smaller and rural communities as well as the urban areas of Hamilton and bring the power of new technology and the new economy to their door to realize social and economic benefits. The recent amalgamation of the surrounding communities has given rise to the opportunity to leverage existing expertise and capacities of the urban areas to benefit the outlying rural areas. Both the rural and urban areas of Hamilton can partake in the limitless opportunities and activities that the city has to offer.

The Vision for this project is for **Myhamilton.ca,** a gateway, one site to community resources as well as seamlessly to all levels of government for information, transactions and feedback, accessible by residents and visitors. What we hope to accomplish over the next few years is a personalized site that meets the needs of residents specifically tailored to address (among others) the young, the seniors and the physically challenged, in both the urban and rural parts of our city.

It is essential to realize that without this vision and this CHCC proposal, the various community sectors and even departments within the city will continue to develop separate and independent sites and uncoordinated information silos. The cost of these separate endeavours is intuitively much more than to develop them as part of this broader vision.

Partners and supporters for the CHCC project include The Hamilton Chamber of Commerce, McMaster University, Mohawk College, FibreWired, Industry Education Council, Hamilton Public Library, Intermedium, Business Information Technology Network (BITNET), Community Information Services Hamilton – Wentworth, Hamilton – Wentworth Information Network (HWIN) and the City of Hamilton.

This community project will have a wide variety of online web applications including:

- Local Agri-business online – By encouraging and developing meaningful rural content, the partners seek to increase rural participation in the knowledge economy by promoting the use of the Internet to access information and do business.

- General information access – By organizing and presenting information from various levels of government to residents in a convenient and easily accessible format via a community portal. Examples include, where to get a permit for a business, points of interest, who to contact if a wallet is lost, and life events information such as birth registration, death notice, marriage licenses, etc.

- Transaction and e-commerce – By providing the means by which residents will be able to transact with and do business with local government, which will be a very important part of maintaining a positive connection between residents and government in a municipality as widespread as the new City of Hamilton. Examples include parking ticket payment, building permit, pet licensing, online facility registration, etc.

- Participation and e-democracy – By enabling the connection between residents and their government in the exercise of democracy including the use of web casting to engage the public in the consultative process on city programs, projects and services. Examples include virtual town hall meetings on specific proposals, virtual open house for specific projects affecting a given community and specifically enabling residents to write back to staff or elected representative on their concerns directly from a given web content.

These applications will also contribute to the efficient and cost effective service delivery notwithstanding the geographic distances within the boundaries of the City and the dispersed work locations of City staff. It is anticipated that this will result in municipal processes that will be faster, economical and more effective.

The Geographic Information System (GIS), though initially intended to be part of this plan, will not be included in this project. It will be included in a separate project and will be applied for separately through the Ministry of Natural Resources GeoSmart program.

The initial phase in the development of our Community Portal depends on infrastructure funding by the Province. With the province as partner, this project will see the successful implementation of the first real community led web project in Hamilton with the diversified capabilities and applications described above. The community portal will serve as a gateway to established as well as new and innovative community services. This project will move the current "static" web sites in the community to a single

"transactional" model with e-commerce capabilities. The Connect Hamilton – Create Community Project in turn, is part of a larger program, which in the long term will entail significant data integration of many community activities through a single gateway. It will lend itself to being a manageable and sustainable project while bringing broad and substantial benefits to the community.

To apply to the Province for infrastructure funding a resolution of the City of Hamilton Council is essential to meet the Connect Ontario Program requirements.

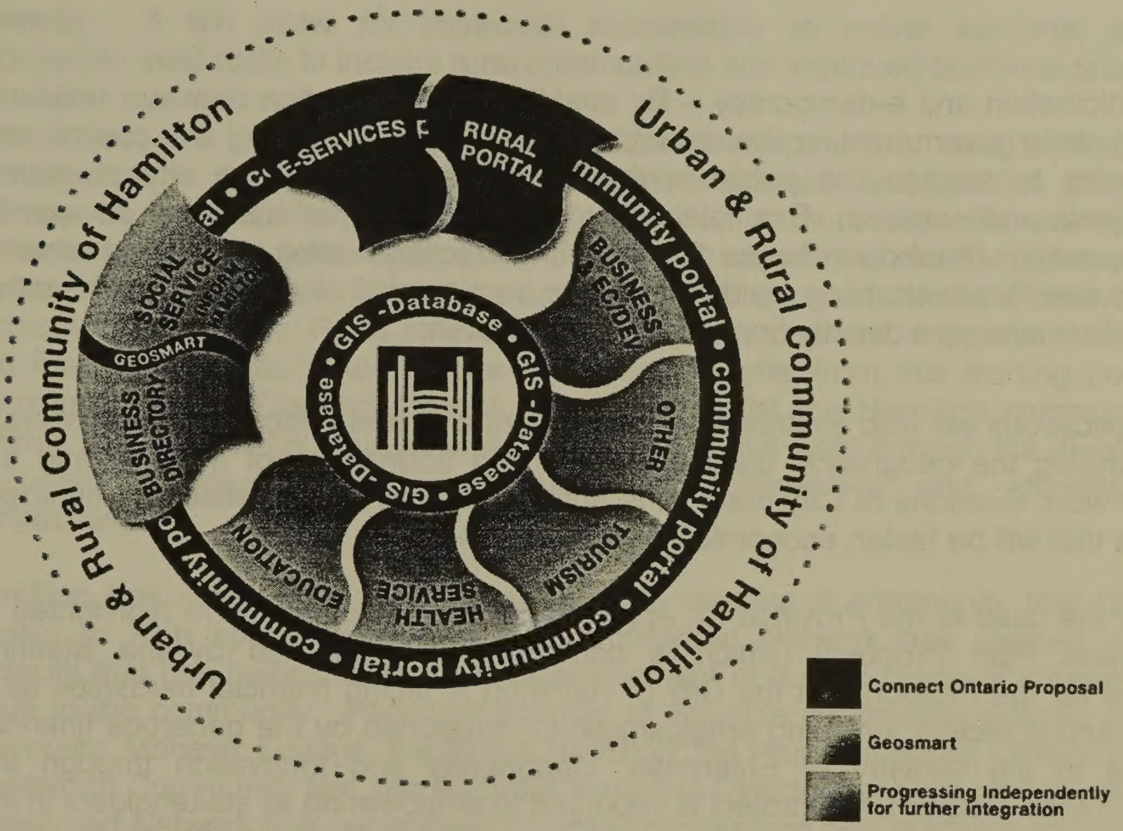
BACKGROUND:

Many municipalities across the province have applied for funding under the Connect Ontario/GeoSmart Program. In November 2002, The Hearings Sub-Committee of Council received a presentation by the Executive Director of Hamilton Connects of the community plans to submit a proposal to Connect Ontario / GeoSmart Program. This program was recently split by the Province into two parts each supported by a different Ministry. Connect Hamilton – Create Community (CHCC) is the Hamilton Infrastructure Project being submitted to the Ministry of Enterprise, Opportunity and Innovations as part of their Connect Ontario Program. The Connect Ontario program has a specific rural orientation in addressing smart city wide services. Staff are also putting together an application under the GeoSmart Program of the Ministry of Natural Resources.

The Vision for the Connect Hamilton – Create Community project is for **Myhamilton.ca,** a gateway, one site to community resources as well as a seamless location to all levels of government for information, transactions and feedback, accessible by residents and visitors. :

It is essential to realize that without this initiative, the various community sectors and even departments within the City of Hamilton will continue to develop separate and independent sites with uncoordinated information. The cost of these separate endeavours is intuitively much more than to develop them as part of this broader vision.

This vision is illustrated in the diagram below.


Urban & Rural Community of Hamilton
Urban & Rural Community of Hamilton
E-SERVICES
RURAL PORTAL
community portal • community portal • community portal • community portal
BUSINESS & EC/DEV
OTHER
TOURISM
HEALTH SERVICES
EDUCATION
BUSINESS DIRECTORY
GEOSMART
SOCIAL SERVICES
INFORM HAMILTON
GIS-Database • GIS-Database • GIS-Database • GIS-Database
Connect Ontario Proposal
Geosmart
Progressing Independently for further integration

The CHCC community project will have a wide variety of online web applications. These include:

- Local Agri-business online – By encouraging and developing meaningful rural content, the partners seek to increase rural participation in the knowledge economy by promoting the use of the Internet to access information and do business.

- General information access – By organizing and presenting information from various levels of government to residents in a convenient and easily accessible format via a community portal. Examples include, where to get a permit for a business, points of interest, who to contact if a wallet is lost, and life events information such as birth registration, death notice, marriage licenses, etc.

- Transaction and e-commerce – By providing the means by which residents will be able to transact with and do business with local government, which will be a very important part of maintaining a positive connection between residents and government in a municipality as widespread as the new City of Hamilton. Examples include parking ticket payment, building permit, pet licensing, online facility registration, etc.

- Participation and e-democracy – By enabling the connection between residents and their government in the exercise of democracy including the use of web casting to engage the public in the consultative process on city programs, projects and services. Examples include virtual town hall meetings on specific proposals, virtual open house for specific projects affecting a given community and specifically enabling residents to write back to staff or elected representative on their concerns directly from a given web content.

These applications will also contribute to the efficient and cost effective service delivery notwithstanding the geographic distances within the boundaries of the City and the dispersed work locations of City staff. It is anticipated that this will result in municipal processes that will be faster, economical and more effective.

In making the case to the Province for approval of this project, we have highlighted in the Business Plan Proposal (which is currently being finalized by the Steering Committee for the Project) that the City of Hamilton is facing financial hardships as a result of various factors including amalgamation. Supported by the generous financial assistance of the Ministry of Enterprise, Opportunity and Innovation through the Connect Ontario program, this project is important to empowering all stakeholders in the city, including those living and working in rural areas of the community. It will assist everyone to make informed decisions. As a public/private partnership, this project is intended to improve access to community information and services and communicate to the world that Hamilton is a place where technology and innovation are embraced.

The initial phase, in the development of our Community Portal, depends on infrastructure funding by the province. With financial incentive and the province as a partner, this project will be the first successful community led web project. The community portal will serve as a gateway to established as well as new and innovative community services. This project will move the current “static” web sites to a single “transactional” model with dynamic and e-commerce capabilities. The Connect Hamilton – Create Community Project in turn, is part of a larger vision which, in the long term, will entail significant data integration of many community activities through a single gateway. It will lend itself to being a manageable and sustainable project while bringing broad and substantial benefits to the community.

In realizing our goals, Hamilton will become a leader in demonstrating by example, how technology and innovation can be utilized to accelerate efforts in industry diversification, transform a flagging economy and contribute to successfully building, supporting and fostering knowledge based economy growing out of existing strengths, knowledge and abilities. A key theme underlying the goals and objectives of the Connect Hamilton – Create Community project will be assisting in rationalizing and maximizing public investment to align community assets with community needs.

Connect Hamilton – Create Community will bring together a number of existing systems and databases that will offer users a single point of entry through a single community gateway. It will allow for increased accessibility to online services, expanded information availability to include rural communities and improved business processes.

This project will lay the foundation for future development in new technology and infrastructure in support of local economic development, and position the city and businesses to compete globally, making Hamilton a more attractive community for business investment. Leveraging the expertise and capacity of more urban areas of the community to the benefit of outlying rural areas will bring us closer to our vision of a connected community. Rural and small communities, partners, supporters, businesses and future organizations will realize significant benefits from this starting point – the Community Portal. Connect Ontario will greatly assist the Hamilton community in its entirety to capitalize on the economic opportunities that exist through the dissemination of useful community-based information and convenient and efficient on-line transactions.

Hamilton has made a lot of progress towards creating a community that has broad access to high speed Internet. The FibreWired Network has created significant capacity that has helped facilitate the development of a wide range of Internet sites of value to the community. Particular sources of valuable information include: McMaster University, Mohawk College, the City of Hamilton, the Hamilton Public Library, Hamilton-Wentworth Community Net, the Hamilton Business Directory and Inform Hamilton. The FibreWired Network has contributed to close co-operation and resource sharing among several public sector partners in the City.

People are often confused by what level of government services are offered. Both the Canadian and Ontario Government web sites are offering an increasing range of online services and information. The Community Portal will seamlessly connect users to key sections of these sites. Particular attention will be paid to parts of the sites that provide users with online forms. In addition, Site Indexes will be included to ensure the widest range of provincial and federal government online information in the portal. Hamilton residents and for that matter, anyone around the world looking for one site to connect them to all levels of government will find the Community Portal (***myhamilton.ca)*** a seamless place to do this.

Hamilton is ethnically and culturally diverse. 1 in 4 Hamiltonians were born outside Canada and visible minorities make up almost 10% of Hamilton's population. Since amalgamation 65% of our land base is now agricultural land.

Within our community, people's interests and needs vary widely. Often the problem with using the Internet is that people cannot locate the information relevant to their needs. The Community Portal will provide users the ability to choose what features or services that appear on their personal home page. By identifying and presenting a wide range of options for users, not only will we provide convenience but we will be able improve their ability to locate information relevant to their needs.

The Geographic Information System (GIS), though initially intended to be part of this plan, will not be included in this project. It will be included in a separate plan and will be applied for separately through the Ministry of Natural Resources GeoSmart program.

ANALYSIS OF ALTERNATIVES:

There are two basic alternatives for the development of the CHCC Proposal. The first is that we seek the approval by the Province for funding matching the City of Hamilton and its partners' contribution to a maximum of $1M from the Province.

The second is for the City to do it without Provincial support because it is part of the aspirations of the City to provide multiple channels of service including online services to its residents and businesses. The Update on the Corporate IT Strategy which staff presented in a report which was received by the Committee of the Whole in December 2002 clearly illustrated this online services mandate.

Staff believe that the first alternative is the obvious one, though it does introduce significant effort by the City and its partners to meet stringent provincial requirements.

The Hamilton IT Strategy developed a number of strategic directions, which were presented in an update report, received by the Committee of the Whole in Dec 2002. The following strategic directions mirror the rationale for and the need to prepare and submit the CHCC Project proposal to move our city to:

1. **Deliver effective customer service**

   This would lead to consistent levels of serving the public through a number of different channels through the effective use of technology to deliver continuously improving customer service. This strategic direction would involve first, leveraging/optimizing the use and functionality of our existing technology, second, integrating existing systems and data where possible and finally implementing new solutions when necessary.

2. **Accomplish online government transformation.**

   This would lead to the creation of a web presence for providing services currently available through conventional means such as phone, mail or in person (over the counter). The web site would provide community information that would support economic development and tourism, provide transactional and e-commerce capabilities as well as provide transparent access to services provided by all levels of government.

3. **Build partnerships and relationships with external agencies and other levels of government**

   This will include partnerships with academic institutions, other municipalities, provincial agencies, federal agencies, as well as working with the technology community in the City.

4. **Streamline processes and encourage data integration and data sharing through co-operation and collaboration.**

   This would lead towards reducing the number of duplicate processes and systems, and also eliminate duplicate data capture and maintenance. This direction would encourage the integration of data and cross-departmental collaboration to establish a database of record and a credible source for needed data and information.

5. **Provide secure and reliable IT infrastructure to meet the current and future needs of the City.**

   This would lead to an integrated IT Infrastructure for voice and data to meet the technology needs of the corporation both now and in the future.

6. **Develop a sustainable funding model**

   A sustainable funding model would lead to the effective utilization of scarce IT budgets and may require the pooling of resources to implement corporate technology solutions as well as the formation of public/private partnerships or partnerships with external agencies.

Two of the corporate priorities for IT recommended in the IT Strategy involve the development of e-Government initiatives and Geographic Information Systems initiatives. These priorities mirror the Connect Ontario and GeoSmart submissions respectively.

It should be noted that the IT strategy and the Connect Hamilton – Create Community project are so inextricably intertwined, that input from one was extensively used to guide the other. For this reason, an RFI which was issued by the Connect Hamilton – Create Community project and the responses from the consulting and vendor industry to the RFI were used to formulate staff recommendation for an enterprise portal.

In a forthcoming report, staff will be recommending the acquisition of the PeopleSoft Enterprise Portal to help accomplish both the development of the Community Portal required under the Connect Hamilton – Create Community project as well as the portal required for the City to deliver its e-Government initiative. Furthermore, the PeopleSoft enterprise portal will enable the City to leverage the investment already made in upgrading the HR and financial systems to PeopleSoft Version 8 (the web-based version).

It must be emphasized that the recommendation to acquire the PeopleSoft portal does not preclude acquiring third party projects and services that will be placed on the portal to deliver such services as parking ticket payment on line, program registration, intelligent forms, licence and permits and a host of other e-Government services. The PeopleSoft portal will be the engine upon which these e-Government services will be added as options. This will enable the City to acquire best of breed software and applications as front end and tie them to the application's back end using a powerful "Integration Broker", an integration tool which is part and parcel of the PeopleSoft portal engine.

Approval of staff's recommendation to acquire the PeopleSoft Enterprise Portal will pave the way to accomplishing the corporate application vision over the years to come.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial:

This project is included in the 2003 Capital Budget. The following are the components of the Capital Budget which will be used to match provincial contributions when the Province approves the project.

- IT Services Division, Capital Budget, Page 27 Book 3, $ 1,000,000.00 with $500,000 from the City and $500,000 from the Province.
- Culture and Recreation Division, Capital Budget, Page 164 Book 3, $325,000 are shown which when matched by Province will yield $650,000.

Furthermore, the IT Services Division, Culture and Recreation Division, and the Library are currently responsible for the delivery of their respective e-services. No new staff are proposed for the CHCC Project. The staff time for those staff participating in these e-services have been leveraged and included where possible as part of the CHCC proposal. This staff time could be treated as eligible or in-kind contributions. Furthermore, City expenditures on other projects (such as the Interactive Voice Recognition ,IVR, in the Culture and Recreation Division) which are not eligible as cash under the Connect Ontario program but accepted as in-kind have been included to maximize the total leverage of these expenditures and to assist in making the best case for provincial contributions.

Appendix A shows a summary of Capital and Operating costs (two years) associated with the CHCC Project and all associated applications. Clearly, these costs have been structured so as to obtain maximum provincial contribution (i.e. as close to $1M as possible). As noted above, most of these costs overlap with the regular business plans and functions of various departments in the City. The total CHCC project cost including the in-kind contribution is just over $4M. The amount of $3,042,121.00 covers both capital and operating costs (for two years) and includes all cost contributions from the City, from the partners and from the Province. These costs have been compiled in this manner because the Province may decide that some of them are ineligible. We are confident that even if some of the costs are ineligible, we should still aim for the maximum provincial contribution of $1M.

Council should note that in addition to the above $825K in the capital budget, partners contributions in cash (or eligible as cash) are just under $300K. It will be clear to the Province that we have shown sufficient contributions to ask for their maximum even if some of the costs shown in the $3,042,121 amount are not eligible. To re-iterate, the amount of $1,117,886.00 for in-kind contributions is provided in the Business Proposal to illustrate to the Province the "leverage effect" of their contribution. We already know that this amount is ineligible for matching contribution.

It must be emphasised that should Council decide not to support the resolution recommended above, the only funds that would be "saved" are the $500K in the IT Services Division capital budget. This is because all other costs are part of the normal regular business of the departments. The effects would be disaggregated and fragmented approach to providing e-services and no ability to obtain provincial contributions. In fact, even the $500K above would most certainly be required (and more) if Council wants us to move to e-government services beyond online registration for culture and recreation. Hamilton is certainly not yet on the radar scale when it comes to e-services.

Staffing:

This project will require expanding the responsibilities of a number of city staff to fully participate in this important CHCC project. It is anticipated that staffing requirements will be met through the cost estimates in the project proposal. Because of the inextricably intertwined nature of this project with the City of Hamilton's e-government program, there will naturally be significant involvement of staff in both programs. The challenge for staff is to meet provincial requirements and spell out specific time and labour associated with the CHCC project from those of the e-government program.

POLICIES AFFECTING PROPOSAL:

The Project has no direct impact on any existing policies.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Extensive consultation with the province, with numerous community organizations and with City departments has been undertaken during the preparation of the Proposal for Infrastructure funding. The details of community participation will be part of the submission since these are part of the provincial requirements.

The following is a brief description of the community organizations participating in the CHCC project:

COMMUNITY REPRESENTATION AND PARTNERSHIP

Hamilton Chamber of Commerce Science and Technology Committee will provide expertise, represent the interests of local business and assist in marketing the solution to the regional business community. This partner will also help us understand the needs of local businesses as it applies to information online.

City of Hamilton – Information Technology Services provides leadership and project management for *Connect Hamilton – Create Community*. This partner has established relationships with all of the other partners. This partner will also provide IT leadership, technical expertise, and engineering as it relates to the various e-services as well as the community portal.

FibreWired Hamilton will help represent the interests of the private sector and brings technical expertise to the partnership.

Hamilton Community Network will assist in providing community relevant content and assist in defining the needs of rural communities, the elderly, the disabled and other hard to serve groups in the community. This partner, initially founded as the Hamilton – Wentworth Free Net, will also provide lessons learned and deepen our understanding of community based electronic systems.

Hamilton Public Library will provide an important link to their large database of local information and content. The library will share its expertise of online storage and electronic retrieval. The library is a community champion for information sharing and dissemination. This partner is critical to helping *Connect Hamilton – Create Community* in identifying community needs. It is the Library and various branches that serve as points of access/presence throughout the region and particularly in those rural communities. The Library and affiliated CAP sites are critical to understanding and providing access to the rural communities.

McMaster University is one of the largest single employers in the region and is one of the country's oldest and most established post secondary institutions. The Geo Sciences Program with its experienced staff and faculty will help provide insight and understanding of issues specific to GIS.

City of Hamilton - Economic Development Department will assist in developing comprehensive economic information including community profile, GIS community real estate inventory, business directory, labour force profile and client tracking system.

Mohawk College of Applied Arts and Technology will provide valuable insights into the portal design and the technical details of the project.

SUPPORTERS

Business Information Technology Network (BITNET) provide information about local businesses, represent the local technology industry and assist in identifying business and learning opportunities and will do the same for *Connect Hamilton – Create Community*.

Community Information Services Hamilton-Wentworth collects information for and maintains databases for not-for-profit community government, healthcare, voluntary sector and not-for-profit information for the region. *Connect Hamilton – Create Community* hopes to leverage the same.

Hamilton-Wentworth Information Network (HWIN) ensures that within the new City of Hamilton, residents have the potential to access high-speed local Internet connectivity and that local traffic on and over these networks remains local. This supporter will deepen our understanding of issues around online access, networks and affordability.

STEERING COMMITTEE

This project was developed through significant input from staff of the above organizations. The Steering Committee for the Project is comprised of the following people:

- Richard Allen, Industry Education Council
- Jim Bryce, Senior Network Analyst, CIS, McMaster University (Secretary-Treasurer, Hamilton Connects Board, Lead Partner PIC Hamilton)
- Sue Coverdale, Economic Development Officer, Economic Development Department, City of Hamilton (Representative: Rural and Agricultural Concerns)
- Kit Darling, Electronic Services Coordinator, Hamilton Public Library (President, Hamilton Connects Board)
- John Drake, Acting Dean, Faculty of Science, McMaster University(Director and Vice-President, Hamilton Connects Board)
- Tara-Lynne Franco, Mayor's Office
- Carolyn Galasso, Labour Market Information Analyst/Web Administrator, Human Resources Development Canada
- George Geczy, DG Technical Consulting (Chair, Hamilton Chamber of Commerce Science and Technology Committee, Director HWCN)
- Cheryl Jensen, Dean, Faculty of Engineering Technology, Mohawk College
- Al Little, Manager, GIS, City of Hamilton IT
- Linda Lopinski, Executive Director, Hamilton-Wentworth Community Net
- Nick Markettos, Senior Advisor, Office of VP Research and International Affairs, McMaster University

- Phil Mostert, FibreWired Hamilton
- Ken Roberts, City Librarian, Hamilton Public Library (Lead Partner PIC Hamilton)
- Christine Swenor, Director ITS Operations, City of Hamilton IT (Executive HWCN)
- Norm Schleehahn, Business Development Consultant, City of Hamilton Economic Development
- Louis Shallal, CIO, City of Hamilton

CITY STRATEGIC COMMITMENT:

This CHCC Project will assist the City in achieving 3 of the Corporate Goals in the following areas:

1. **A City that Spends Wisely and Invests Strategically**: The CHCC Project will work towards; optimizing the systems that are already in place; integrating the existing systems to reduce processes, improve data integrity and reduce duplicating investments in technology; and corporate wide involvement in any new technology that will be implemented in the city.
2. **A City Where People Come First**:Through the CHCC Initiative the public will have increased access to City services and information.
3. **A City of Growth and Opportunity**: In working with the Economic Development department and the Tourism Board, the CHCC will deal with initiatives that will assist in growth of the community and in attracting tourists to the area. Initiatives such as virtual tours of this city, and online applications for services will enhance both of these areas.

Appendix A
Summary of Capital and Operating Costs *

APPLICATION		CASH ELIGIBLE	IN KIND
Culture & Recreation	Operational	$613,743.00	
	Capital	$477,180.00	
Web Casting	Operational	$228,636.00	
	Capital	$299,487.00	
ECommerce	Operational	$156,293.00	
	Capital	$211,025.00	
Community and Rural Portal	Operational	$280,240.00	
	Capital	$775,517.00	
	Total	$3,042,121.00	$1,117,886.00

* Numbers **not rounded** to match the Business Plan Proposal.

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

5.2

TRANSPORTATION, OPERATIONS & ENVIRONMENT
Water and Wastewater Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Scott Stewart Acting General Manager
Date:	February 18, 2003	**Prepared by:**	Lou Di Gironimo Extension 4254

SUBJECT: **Land Application of Biosolids/Nutrient Management Act (TOE03035) - (City Wide Implications)**
Respecting CoW Outstanding Business Item (D) of Nov. 21, 2001

RECOMMENDATION:

That the Acting General Manager of Transportation, Operations, and Environment be directed and authorized to:

(a) Undertake a Biosolids Management Master Plan that will review all available technologies and solicit public input for future recommendations on how the City should manage its biosolids program;

(b) Consider potential synergies that may exist with the options being considered by the Long-term Solid Waste Master Plan including co-composting or generating energy-from-waste;

(c) Report back to Council with the results and recommendations of the Biosolids Management Master Plan.

(d) Request the City Clerk remove Outstanding Business Item "D", as raised at the November 21, 2001, Committee of the Whole meeting.

Scott Stewart, Acting General Manager
Transportation, Operations & Environment Department

EXECUTIVE SUMMARY:

The City of Hamilton generates on average a combined total of 16,000 dry tonnes of biosolids annually from three wastewater treatment facilities (Woodward, Dundas, and Waterdown). Generally speaking, municipalities have three options for the disposal of biosolids generated from wastewater treatment processes, including landfill disposal, incineration, and land application.

In Hamilton, prior to 1996, biosolids were disposed of by incinerating at the Woodward Wastewater Treatment facility. The ash by-product was shipped for disposal to the Glanbrook landfill site. Due to extensive capital investment required to upgrade the incinerator, this process was abandoned and substituted with the land application disposal method. The City's biosolids program is presently managed by American Water Services Canada Corp. (AWS) as part of the Plant Operating Agreement.

Land application of biosolids has been practiced widely in Ontario since the development of guidelines in the 1970's. During this 30-year history, various institutions, including the U.S. National Academy of Sciences, U.S. Environmental Protection Agency, European Union, and Federal and Provincial Canadian Governments have conducted extensive research and concluded that land application of biosolids according to guidelines, poses minimal health and environmental risk.

In June 2002, the Ontario government enacted the *Nutrient Management Act* providing authority to establish province-wide standards to address the effects of agricultural practices on the environment, especially as they relate to land applied materials containing nutrients. The standards are intended to set the requirements and responsibilities for farmers, municipalities, and others in the business of managing materials containing nutrients.

The *Nutrient Management Act* was developed by the Ministry of Agriculture and Food (OMAF) and the Ministry of the Environment (MOE) as enabling legislation to support the implementation of a comprehensive regulatory framework. The key to this framework is the development of Nutrient Management Plans by farm operations and Nutrient Management Strategies by generators of materials (such as municipal biosolids and pulp and paper sludge).

Draft regulations and protocols have been issued for public consultation and the majority of the new standards appear to impact farm operations. However, municipalities that apply biosolids to land will now have additional responsibilities for preparing a Nutrient Management Strategy and providing more formal reports to the MOE for approval.

Most commenting parties are supportive of the proposed regulations and protocols because they will help facilitate environmentally responsible management of agricultural and non-agricultural materials containing nutrients. It is also hoped that new province-wide standards will reduce the present inconsistencies that exist in the interpretation of current guidelines.

However, many industry stakeholders have expressed concern that the new standards have a bias against municipal biosolids as compared to farm generated manure. This bias could lead to a decrease in the acceptance of biosolids by farmers, reducing the availability of agricultural land and forcing municipalities to consider other disposal methods at significantly higher capital and operating costs. If this should occur, the agricultural community will also lose the benefits from the organic fertilizer that biosolids provide and potentially increase the use of chemical fertilizers.

Based on this increasing pressure, staff are concerned with the viability of a single disposal option for biosolids. To protect the integrity of the wastewater treatment process and provide flexibility in the management of biosolids, the City should develop a long-term biosolids management strategy that will reduce the dependence on land application of biosolids by diversifying the management program. It is also recognized that it will take a number of years and potentially significant investment to develop alternative, sustainable biosolids management options.

BACKGROUND:

Present Requirements

In Ontario, the land application of biosolids is subject to the *"Guidelines for the Utilization of Biosolids and Other Wastes on Agricultural Land"* as issued by the MOE and OMAF. A fundamental premise of the guidelines is that in order for an organic "waste" material, such as biosolids, to be approved for use, it must be shown that these materials will be of benefit to crop production or soil health and will not degrade the natural environment.

The first step in the land application process involves determining whether the biosolids are acceptable for land application under the guidelines. The two criteria that biosolids must meet include maximum concentrations of metals and the degree of stabilization. For anaerobically digested biosolids, such as the City of Hamilton's, the guidelines set a minimum nitrogen to metal ratio that must be met for 11 heavy metals of concern. For stabilization, the MOE requires that anaerobically digested biosolids must be well mixed and treated for 15 days at a temperature of at least 35^{O}C.

Each application site must be approved by the MOE and receive a Certificate of Approval (CofA) for an "Organic Soil Conditioning Site" before application can begin. Property owners must sign a written agreement before a proposed site is approved. The CofA applicant, in many cases a biosolids contractor, must provide the MOE with soil analyses from the site completed within the last three years. The applicant must also provide information related to the site location; land and soil characteristics; a site plan identifying wells, residences, and surface watercourses; and proposed site management methods. Minimum setback requirements from wells, watercourses, residences, et cetera, are detailed in the guidelines and reviewed on a case-by-case basis by the MOE. In practice, the separation distances are normally maintained by staking the perimeter of the area in the field where biosolids will be applied.

The CofA for each approved site identifies any special provisions related to setback distances and application methods that may be different to the specifications in the guidelines. The CofA will also specify the maximum biosolids application rate (cubic metres per hectare or tonnes of dry solids per hectare). The rate is determined by the MOE and is based on the analyses of the biosolids, the analyses of the soil, and the nitrogen requirements of the proposed crop.

To transport biosolids from the generator to an application site, the hauler must receive an Organic Waste Management System Certificate issued by the MOE for the specific materials being hauled. Once the biosolids are delivered to the site, the land application rate is determined by the speed of the tractor and the speed of the conveyor mechanism that moves the biosolids to the discharge outlet.

Hamilton's biosolids are tested for many parameters including metals and nutrients and the frequency of sampling far exceeds that of Ministry guidelines. The quality of the biosolids consistently meets all regulatory requirements. Some of the City's biosolids are spread in Hamilton but the majority is transported to agriculture lands in other municipalities. During winter months and wet weather periods, biosolids are stored at an approved facility operated by American Water Services Canada Corp. in another municipality, all in accordance with applicable regulatory requirements.

Future Requirements

The *Nutrient Management Act* and the subsequent regulations and protocols will develop and implement new, enforceable standards supported by new inspection and compliance measures and new authority for remedial action and provincial enforcement. Municipal responsibilities are clarified under the Act and new standards will support the continued responsibility for land use planning and building code approvals. The Act also allows for the creation of local advisory committees to promote awareness of the new rules and mediate local nutrient management issues that are not related to enforcement.

Report TOE03035 is only considering the operational impacts of the Act to the City's Water and Wastewater Division as it will be required to prepare a Nutrient Management Strategy. The draft regulation states that all non-agricultural nutrient generators of prescribed materials, that land apply their materials, must complete a nutrient management strategy and submit it to the MOE's Environmental Assessment and Approval Branch.

The required contents of a Nutrient Management Strategy include:

- Facility description and approval information
- Material description and storage information
- Five-year projected strategy for management of material generated
- Nutrient analysis of material
- Contingency planning
- Destination of material
- Annual report of material management
- Report on Five-year strategy for material generated (similar to item listed above)

In addition, all Nutrient Management Strategies must be renewed every five years or sooner in the event that there is:

- A change in the legal name of the generator
- A 20% or more change in the amount of nutrients generated
- A change in the quality of the materials that affects the nutrient content
- An MOE Provincial Officer Order that the strategy be updated

ANALYSIS OF ALTERNATIVES:

(1) Challenges Associated with the Land Application of Biosolids

Many municipalities are facing similar challenges associated with the land application of biosolids. Some of the more pressing issues include:

(a) Ensuring availability of sufficient agricultural land - Currently, many municipalities in the Golden Horseshoe practice the option of land application for disposal of their biosolids as detailed in the document attached hereto and shown as Appendix A. As a result, each municipality is actively pursuing available land to sustain their respective programs. This is complicated by the fact that Council does not have the authority to ban other municipalities from land applying in their own jurisdiction. As a result, continual effort is made to educate farmers and rural land owners on the benefits of applying biosolids as a method of nutrient addition as well as a soil amendment in hopes of increasing available land for the land application program.

(b) Ensuring sufficient storage capacity - The current provincial guidelines prohibit applying biosolids during winter months or wet weather periods. As a result, the generator is required to identify sufficient storage capacity to sustain the volumes of biosolids that may need to be stored in any given year. The other challenge associated with storage is the ability to sufficiently remove and land-apply the stockpiled biosolids during the spreading season.

(c) Ensuring compliance with regulatory requirements - It is the generator's responsibility to ensure the entire biosolids land application program meets all the associated guidelines and Certificates of Approval. If not, the MOE may impose fines and require the generator to comply with regulations or guidelines within a prescribed timeframe. As such, the reliance on producing a desired product is far reaching and includes the areas of sewer use by-laws, treatment plant operations, biosolids stabilization, and biosolids handling during disposal.

(d) Ensuring public confidence - The success or failure of any land application program can be dictated by public confidence or disapproval of the program. As a result, a dedicated communication program is required to sustain a good land application program. Most municipalities have not committed the appropriate resources to ensure a proper communication program is in place.

(2) Measures Needed to Sustain the Land Application of Biosolids

(a) Development of Long-term Biosolids Management Strategy - The overall objective of the Biosolids Management Master Plan would be to prepare a comprehensive strategy identifying how all of the biosolids produced by the City can be used in a beneficial, efficient, cost-effective, or sustainable manner. The Plan and the various options considered must be able to meet future needs up to 2023. The overall objective is to ensure that the implementation of the Biosolids Management Master Plan will be acceptable to the farming community, the general public, regulators, and community leaders.

A communication plan, which will be developed by the end of 2003 as part of the Biosolids Environmental Management System program, will identify the consultative initiatives that should be implemented to ensure a successful program. The work for completing the Biosolids Management Master Plan would include all aspects of biosolids management, such as generation, processing, quality, storage, and disposal. Short- (5 year), medium- (10 year), and long-term (20 year) planning periods would be assessed. Elements of the Master Plan will be used to satisfy the requirements of the *Nutrient Management Act* (preparation of a Nutrient Management Strategy).

Other alternatives to the land application program include disposing of biosolids by incineration, or processing to create compost or fertilizer pellets. Each of the alternatives has their own inherent challenges associated with them. It is intended that the proposed Biosolids Management Master Plan would investigate the existing land application program as well as alternatives, making a final recommendation as to the option, or combination of options that is in the best interest of the City.

(b) Development of a Biosolids Environmental Management System (EMS) - To ensure the program remains sustainable, viable, and safe for the City staff are presently involved in several studies and demonstration projects with other government (MOE and OMAF) and municipal organizations (Halton and Ottawa) designed to improve our respective programs. These projects include:

- Developing a demonstration pilot program for an Environmental Management System for biosolids. The current schedule is to complete the components of the EMS by the end of 2003 in preparation for registration;
- Evaluating, validating, and demonstrating the effectiveness of best management practices in applying nutrient materials to agriculture land to benefit crop production while at the same time minimizing the potential for bacterial and chemical contamination of groundwater and surface water. This is ongoing and will be incorporated into the Biosolids EMS program; and
- Evaluating the need to include other parameters not currently included in the MOE guidelines or the draft regulations and protocols, which is also an ongoing program and will be incorporated into the Biosolids EMS program.

The results of each of these studies will benefit the City's biosolids land application program by enhancing knowledge and technical expertise. This will allow the City to exceed industry standards, improve public confidence in the land application program, assist farmers in optimizing the benefits of using biosolids as a nutrient and soil amendment, and reduce the risk to health and the environment. The findings from these projects will be incorporated into our biosolids land application program.

Should Council elect not to proceed with staff's recommendations, the City would become increasingly vulnerable to changes in the industry and would be exposed to significant cost increases for disposing of biosolids by land applying or, as a contingency measure, in an approved landfill, without any other alternative options available.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial Implications:

The development of a Long-Term Biosolids Management Strategy and a Biosolids Environmental Management System were identified as required capital projects in the 2003 Water and Wastewater Rate Budget. Council has approved $300,000 listed as capital project number 5160366320 for the management strategy and $100,000 listed as project 5160366330 for the EMS project.

Staffing Implications:

There are no staffing implications at this time.

Legal Implications:

Proceeding with staff's recommendations will assist the City with remaining in regulatory compliance. Violation of the legislation or any regulations, guidelines, or Certificate of Approval leading to the impairment of the environment could result in fines or the imposition of remedial corrective measures.

POLICIES AFFECTING PROPOSAL:

Not applicable.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

The City has reviewed the issues with the:

- Ministry of the Environment
- Ontario Ministry of Agriculture and Food
- City of Hamilton Waste Management Division
- Hamilton Utilities Corporation (Hamilton Community Energy)

CITY STRATEGIC COMMITMENT:

The recommendations contained in Report TOE03035 support the City's Strategic Plan by encouraging:

Innovation - through examining alternative options to address an issue related to both urban and rural residents in the City.

Teamwork - working with the agricultural community, provincial ministries, and other municipalities to identify best practices and long-term solutions.

Sustainability - contributing to a balanced community, economy, and environment by minimizing the footprint of our activities and encouraging the beneficial reuse of materials containing nutrients in an environmentally approved manner.

Excellence - in our service delivery, through a quality workforce and using industry best management practices.

APPENDIX A - TOE03035

Biosolids Management for Municipalities Located in the Golden Horseshoe Area

Location	Biosolids Management	Future Program
City of Hamilton	Land Application	To be determined through the undertaking of the Biosolids Master Plan
City of Brantford	Land Application	To be determined during the Biosolids Master Plan
Haldimand County	Land Application	To be determined during the Biosolids Master Plan
Norfolk County	Land Application	To be determined during the Biosolids Master Plan
Niagara Region	Land Application	Possible diversification to lime stabilization or thermal drying
Halton Region	Land Application / Landfill Disposal	Possible diversification to lime stabilization or thermal drying
Peel	Incineration	Considering additional incineration capacity
Toronto		
Highland	Incineration	To be determined during the Biosolids Master Plan
Ashbridges	Pellitized - Fertilizer Production / Land Application / Landfill Disposal	Part of new diversification strategy Part of new diversification strategy

SECTION 6

SECTION 7

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

COMMUNITY SERVICES
Culture and Recreation

7.1

Report to:	Mayor and Members Committee of the Whole	**Submitted by**:	William Fenwick, Acting General Manager
Date:	February 12, 2003	**Prepared by:**	Dale Wood 546-4610

SUBJECT: **Proposed Playfield Sub-Committee (CS03009)(City Wide)**

RECOMMENDATION:

a) That Council form a Playfield Sub-Committee to review rates and fees respecting all outdoor fields rented by minor and adult sports groups in the City of Hamilton;

b) That the Council members currently serving on the Soccer Sub-Committee be approached to serve on this Sub-Committee to maintain the consistency in the process used to develop the soccer rates and allocation process;

c) That any other members of Council, who may have an interest in outdoor playfields be invited to join the Sub-Committee.

William Fenwick, Acting General Manager
Community Services Department

EXECUTIVE SUMMARY:

The purpose of this report is to establish a Sub-Committee to review all current rates and fees, allocation and future development of all outdoor play fields such as bocci courts and baseball/softball fields in the City of Hamilton. Currently, there are different rates being applied across the city as there were with soccer.

It would be appropriate that the Council members currently serving on the Soccer Sub-Committee be seconded to the new Sub-Committee as they have just finished recommending the Proposed Soccer Field Rates and Allocation Policy that was approved by Council on August 14, 2002.

BACKGROUND:

In June of 2001, Council approved the formation of a Soccer Sub-Committee to address Fee Structure and Allocation of Soccer Fields. In August 14, 2002, the recommendations of the Soccer Subcommittee were approved by Council.

Staff has identified the need to determine a common pricing approach and an hourly fee structure for all playing fields across the City of Hamilton. With the help of the sports organizations this Sub-Committee would work with organizations from various sports groups and report back to Council with recommendations on a structure for other play fields, similar to the one developed for soccer.

This Sub-Committee in its first task will review the City of Hamilton's baseball/softball playing field rates and allocation process, in concert with representatives from the Minor Baseball Associations.

It is recommended that Council members of the Soccer Sub-Committee (Councillors, Collins, D'Amico, Dilanni, Kelly and Merulla), be petitioned to serve on the Outdoor Play Field Sub-Committee. Staff include Bill Fenwick, Rick Baker, Bob Morley, Peter Christie and Ida Bedioui.

ANALYSIS OF ALTERNATIVES:

Maintaining status quo with respect to fees is unacceptable. Consistency is required for playing field rates and should conform to the outcomes of the Soccer Sub-Committee recommendations.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

There are no financial, staffing or legal implications.

POLICIES AFFECTING PROPOSAL:

Affects current rates and fees approved by former municipalities.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Soccer Sub-Committee

CITY STRATEGIC COMMITMENT:

This initiative is consistent with the objectives of Vision 2020 and the following City Strategic Goals.

Community Well Being and Capacity Building

- To develop cultural institutions, public facilities and parks/open spaces which inspire community pride and sense of place.
- To build and develop the capacity of individuals, community organizations, the private and non-profit sectors to be self reliant.
- To develop our economic, social and physical environments so as to enable the participation of all citizens and communities in local and regional community life.

AFFECTS
WARD 5

CITY OF HAMILTON

7.2

COMMUNITY SERVICES DEPARTMENT
Corporate Buildings and Real Estate

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	William E. Fenwick, A/General Manager
Date:	February 19, 2003	**Prepared by:**	Wm. Farkas 905-628-4300

SUBJECT: **Declaration of Surplus Property; By-law to Stop-up, Close and Sell; Offer to Purchase-Public Walkway between 166 & 170 St. Andrews Drive, Hamilton (CS03013) (Ward 5)**

RECOMMENDATION:

(a) That the lands forming the public walkway composed of Block Y, Glendale Estates No.2, Phase 5, Registered Plan M-64, in the City of Hamilton, more particularly described as Parts 1, 2 and 3 on Registered Reference Plan 62R-16298 be declared surplus to the requirements of the City of Hamilton in accordance with the Real Property By-law No. 95-049;

(b) That Corporate Buildings & Real Estate Division be authorized and directed to sell this property in accordance with the Real Property Sales Procedural By-law No. 95-049;

(c) That the By-law to Stop-up, Close and Sell the subject portion of the walkway, described as Block Y, Glendale Estates No. 2, Phase 5, Registered Plan M-64, in the City of Hamilton, more particularly described as Parts 1, 2 and 3 on Registered Reference Plan 62R-16298, as approved by Corporate Counsel, Legal Services, be passed and enacted;

(d) That the Offer to Purchase (Highway Closure), duly executed by Kevin Ashley Rudd and Amy Agnes Rudd on January 8, 2003 and scheduled to close on before April 14, 2003, being composed of Block Y, Glendale Estates No. 2, Phase 5, Registered Plan M-64, in the City of Hamilton, more particularly described as Parts 1, 2 and 3 on Registered Reference Plan 62R-16298 for the purchase price of $1.00 be approved. The sale is conditional upon the City of Hamilton enacting a By-law to Stop-up, Close and Sell of the public walkway as described above;

(e) That it be understood and agreed that the Offer to Purchase (Highway Closure) be conditional on the following:

    (i) the City of Hamilton enact a by-law to authorize the stop-up, closure and sale of the subject walkway and will comply with the procedures for that purpose as set out in the Municipal Act, R.S.O. 1990, c.M.45;

(f) That the Mayor and City Clerk be authorized and directed to execute the Offer to Purchase (Highway Closure) and all ancillary documents in a form satisfactory to Corporate Counsel;

(g) That the Mayor and City Clerk be authorized and directed to execute and issue a Certificate of Compliance in a form prescribed pursuant to Section 193 of the Municipal Act incorporating the following:

    (i) satisfactory Notice has been given pursuant to Section 300 of the Municipal Act. Notice of the intended sale was given through advertisement in the Hamilton Spectator on December 14, 21 and 28, 2001 and January 4, 2002;

    (ii) the sale of the subject walkway falls within a class of properties that do not require an appraisal under subsection 193(4) of the Municipal Act.

William E. Fenwick, A/General Manager
Community Services

EXECUTIVE SUMMARY:

City Council, January 9, 2002 approved Item 3.3 of Report 02-001 of the Hearing Sub-Committee, approving the application to stop-up, close and sell the public walkway between 166 & 170 St. Andrews Drive and that the appropriate by-law be passed and enacted by Council.

The sale of the walkway is in accordance with City Council's directive, subject to the recommendations contained in this report.

BACKGROUND:

The recommendations contained in this report have City wide implication primarily located within Ward 5.

An application was received by the Transportation, Operations and Environment Department to close and sell the walkway situated between 166 and 170 St. Andrew Drive, Hamilton, more particularly shown on Appendix "A" attached hereto.

City Council, April 11, 2000 Section 5 of Report 07-00 of the Planning & Development Committee 2000 approved the following recommendation:

"(a) That the Approved Vincent Neighbourhood Plan be amended by deleting the walkway located between 166 and 170 St. Andrews Drive; and,

(b) That the closure and disposal of the walkway located between 166 and 170 St. Andrews Drive in the Vincent Neighbourhood Plan, as shown on the attached APPENDIX "D", be referred to Transport and Environment Committee for implementation."

City Council, January 9, 2002 approved Item 3.3 of Report 02-001 of the Hearing Sub-Committee, approving the application to stop-up, close and sell the public walkway between 166 & 170 St. Andrews Drive and that the appropriate by-law be passed and enacted by Council.

ANALYSIS OF ALTERNATIVES:

The sale of the public walkway is in accordance with City Council's directive, approving Item 3.3 of Report 02-001 of the Hearing Sub-Committee, to stop-up, close and sell the public walkway between 166 & 170 St. Andrews Drive.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Legal

Section 315, clause 2(a) of the Municipal Act – "sales of Closed Highways" stipulates that, where there are parcels of land abutting on opposite sides of the land to be sold, the owners of each parcel has the right to first refusal to purchase the land to its middle line. Notice had been given to all property owners that abut onto the public walkway in accordance with Section 315 of the Municipal Act.

Staffing

The response from all departments as a result of the road closure application indicated no declared municipal interest in the subject parcel.

Financial

N/A

POLICIES AFFECTING PROPOSAL:

The sale of the closed public walkway to the abutting homeowner(s) for the sum of $1.00 is consistent with the established policies of the City of Hamilton.

The sale also meets the requirements of Provincial Legislation with regard to the disposal of public highways.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

City departments, outside government agencies and utility companies had been consulted as a result of the original circulation notice conducted by the Transportation, Operations & Environment Department expressed no objections.

CITY STRATEGIC COMMITMENT:

The transfer of this parcel from the public domain to private ownership will allow the land and any subsequent structures to be assessed and taxed at the appropriate tax rate. The disposal of this parcel will eliminate the need for the city to maintain this surplus property and will increase the tax base.

SECTION 8

SECTION 9

SECTION 10

CITY WIDE IMPLICATIONS

10.1

CITY OF HAMILTON

CORPORATE SERVICES DEPARTMENT
Capital Budgets and Development Financing

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Joseph L. Rinaldo, General Manager
Date:	February 13, 2003	**Prepared by:**	Joseph Spiler 546-4519 Tony Del Monaco 546-2790

SUBJECT: Development Charges Study (FCS03051) - (City Wide)

RECOMMENDATION:

a) That a new Development Charges Study be initiated to support a new consolidated City of Hamilton Development Charges By-law, in accordance with the Provincial Development Charges Act, (1997).

b) That the attached terms of reference for a development charge study (Appendix 1) be approved.

c) That the cost of the Development Charges Study, to an upset limit of $500,000, be 90% funded from the following development charges reserves:

- Regional Growth Management -Residential (110160) -	$260,000
- Regional Growth Management – Non residential (110165) -	$90,000
- Hamilton Growth Management (102055) -	$15,000
- Ancaster Administration (113044) -	$25,000
- Dundas Administration (114001) -	$10,000
- Flamborough General Government (115340) -	$15,000
- Glanbrook General Government (116038) -	$10,000
- Stoney Creek Administration (117031) -	$25,000

And 10% funded from the General Tax Capital Reserve (108020) - $50,000

d) That staff be authorized to proceed with issuing a Request for Proposal (RFP) for a Development Charges Study.

e) That a Development Coordinating Committee (DCC) comprised of the following members be established:

- Corporate Services – 3 representatives
- Planning & Development – 2 representatives
- Legal - 1 representative
- Economic Development – 1 representative

- Public Health & Community Services – 1 representative
- Public Works – 2 representatives
- Consultant Team – 1 representative

f) That a Development Charge Stakeholders Committee be established comprised of the following members:

- Hamilton Homebuilders - 1 representative
- Non-residential developer – 1 representative
- Chamber of Commerce - 1 representative
- Non-developer community groups – 2 representatives
- City Council – 2 representatives

Joseph Rinaldo

Joseph L. Rinaldo, General Manager
Corporate Services

EXECUTIVE SUMMARY:

The purpose of this report is to seek approval to begin the process of undertaking a Development Charges Study to enact a new city-wide Development Charges By-law to replace the existing 7 Development Charges By-laws as exhibited in Table 1.

Table 1

	By-Law #	Passage Date	Amending By-Laws	Amending Date
Region	R99074	July 6/99	R00015	Mar 28/00
Hamilton	R99118	Aug 12/99	R00041	Mar 28/00
Stoney Creek	S4987-99	Aug 31/99		
Glanbrook	G577-99	Aug 24/99		
Ancaster	A99-089	Aug 12/99	A2000-062	June 5/00
Dundas	D4504-99	Aug 16/99		
Flamborough	F99-82-D	Aug 30/99		

BACKGROUND:

The Development Charges Act, 1997 came into force and effect on March 1, 1998. Under this new legislation, the former Region and former municipalities (within the Region – Refer Table 1) formulated development charge by-laws, which came into effect during the period July - August, 1999 (for specific dates refer Table 1). The Development Charges Act, 1997 states that municipalities must update and complete a new background study to determine development charges within a 5-year period of the existing development charge By-law initiation date. Therefore, the City of Hamilton needs to pass a new development charge by-law by July 2004. In addition, staff feel that the proposed increased growth-related development brought about by the new development priorities of the amalgamated City of Hamilton (i.e., Airport; ROPA9; GRIDS; Council's Strategic Commitment priority one – "Growing our Local Economy") requires that a new amalgamated/ consolidated Development Charge By-law be initiated.

The amalgamated City of Hamilton inherited the existing development charge by-laws of the former Region and associated municipalities. This means that currently there are over 60 different development charge rates depending upon the type and geographic location of the development within the City of Hamilton (refer Appendix 2). The different rates reflect the variety in levels of service supporting capital growth requirements inherent in each former municipality.

The need for the City of Hamilton to replace the existing development charge by-laws with a new consolidated by-law is summarized by the following:

- The current development charge by-laws for the City of Hamilton expires July/August 2004. The expected timetable for the passage of a new consolidated DC By-law would be as follows:

1. RFP issued	March 2003
2. Consultant Recommendation	May 2003
3. Completion of Background Study	February 2004
4. Public Consultation	March/April 2004
5. Approval of New DC By-law	May 2004

- The amalgamation of the City of Hamilton and the resultant priority of Council's strategic commitment of "Growing our Local Economy" has brought new opportunities and areas for economic development (i.e., Airport, ROPA9) which require new evaluations of long and short-term capital growth cost recovery quantums and policies.
- Harmonization of levels of service used in the former municipal development charge calculations across the new City of Hamilton.
- Simplify administration of development charges.

Before passing a development charges by-law under the Act, the City is required to complete a development charges background study.

Attached to this report as Appendix 1 is the "Terms of Reference" for the proposed development charges study. Included in the scope of the study is an examination of various geographical areas, infill and greenfield development, as well as industrial and brownfield sites and an analysis of whether differential development charge rates would be appropriate for these areas versus a single uniform city-wide rate. An evaluation of the long-term capital and operating costs for development would be made, as required under the Development Charges Act, 1997. This would include the Lincoln Alexander Expressway and the proposed Red Hill Valley Project, as well as a complete review of water and wastewater servicing costs. In addition, the City imposes surcharges for special area developments (i.e. Binbrook, Waterdown) which must be reviewed.

Public Consultation Process

Before passing a development charge by-law, Council is required to hold at least one public meeting. A minimum of 20 days notice of the meeting(s) is required and the proposed by-law and background study are to be made available to the public at least two weeks prior to the meeting. If there is more than one meeting, two weeks prior to the first meeting.

Public notice may be given by publication in a newspaper with sufficiently general circulation.

Any person who attends a meeting may make representations relating to the proposed by-law. If a proposed by-law is changed following a meeting, Council shall determine whether a further meeting is necessary. Such a determination is final and not subject to review by a court or the Ontario Municipal Board.

Development Charges Stakeholders' Committee

Staff feel that the formation of a Development Charges Stakeholders' Committee would be useful in keeping the community informed through the study process. The role of the Stakeholders' Committee would be to review and provide input into proposed development charge policies. This will allow issues to be brought to the fore in a more timely manner, which would reduce the chance of appeals at the end of the process. Notice of the formation of the Development Charges Stakeholders' Committee would be given by publication in a newspaper with sufficiently general circulation.

ANALYSIS OF ALTERNATIVES:

There are no alternatives. A new by-law must be in place by July 2004.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Staff believe that the cost of a new consolidated study will be $500,000. The cost breakdown is estimated as follows:

$420,000 – various consulting services and legal fees
(does not include possible OMB appeal costs)

$30,000 – public meetings, advertisement, printing
$50,000 – chargebacks, miscellaneous and other expenses, contingencies

As per the requirements of the Development Charges Act, 1997, development charge studies are eligible for development charge funding up to a maximum of 90%. As a result, 90% of the study costs will be funded from the development charge reserves. The remaining 10% will be funded from the general tax capital reserve.

The following criteria would be used in the evaluation of the competing proposals:

- Understanding of the City's requirements (20%)
- Work plan and schedule (30%)
- Experience of the consultant (30%)
- Cost (20%)

POLICIES AFFECTING PROPOSAL:

The following by-laws would be affected:

Table 1					
	By-Law #	Passage Date		Amending By-Laws	Amending Date
Region	R99074	July 6/99		R00015	Mar 28/00
Hamilton	R99118	Aug 12/99		R00041	Mar 28/00
Stoney Creek	S4987-99	Aug 31/99			
Glanbrook	G577-99	Aug 24/99			
Ancaster	A99-089	Aug 12/99		A2000-062	June 5/00
Dundas	D4504-99	Aug 16/99			
Flamborough	F99-82-D	Aug 30/99			

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Development Division
Infrastructure and Environmental Planning Division
Legal Services and Corporate Counsel
Community Services
Long Range Planning and Design
Economic Development
Building and Licensing

CITY STRATEGIC COMMITMENT:

Provisions within this report are in keeping with Council's Strategic Plan, in particular the following items:

A sustainable water/sewer system

Vision 2020, a sustainable City

Financial Sustainability for programs, services and projects

Investment in infrastructure

Providing quality community services

Smart Amalgamation

TERMS OF REFERENCE
DEVELOPMENT CHARGES BACKGROUND STUDY

City of Hamilton

1.0 PURPOSE

The Development Charges Act provides a legislative framework for municipal development charges. The Development Charges Act was last revised by Provincial Bill 98 in 1997. Under this new legislation, the former Region and former municipalities formulated development charge by-laws. The Development Charges Act states that municipalities must update and complete a new background study to determine development charges within a 5-year period of the existing development charge by-law initiation date. In addition, staff feel that the amalgamation plus proposed increased growth-related development brought about by the new development priorities of the amalgamated City of Hamilton (i.e., Airport, ROPA9) (Council's Strategic Commitment priority one – "Growing our Local Economy") requires that a new amalgamated Development Charge By-law be initiated.

The purpose of this background study is to establish a new development charges by-law for the amalgamated City of Hamilton.

This is expected to involve:

i) the development of a methodology for calculating and collecting development charges which is consistent with the Development Charges Act;

ii) the collection and compilation of data necessary to calculate development charges;

iii) the development of policies for the implementation and administration of the development charges by-law;

2.0 BACKGROUND

Effective January 1, 2001, the Region of Hamilton-Wentworth and the lower tier municipalities (City of Hamilton and the City of Stoney Creek, Towns of Ancaster, Glanbrook, Dundas, and Flamborough) were restructured into a single tier municipality – The City of Hamilton.

The Development Charges Act, 1997 came into force and effect on March 1, 1998. Under this new legislation, the former Region and the respective lower-tier municipalities formulated development charges by-laws, which came into effect during the period July - August, 1999. The amalgamated City of Hamilton has kept the existing Development Charge By-laws in place which means that currently there are 60 development charge rates in the new City of Hamilton depending upon which former municipality the development occurs.

The Development Charges Act states that municipalities must update and complete a new background study to determine development charges within a 5-year period of existing development charge by-law initiation date. Therefore, the

City of Hamilton must pass a new development charge by-law by July 2004. In addition, since amalgamation, the City of Hamilton has completed or initiated a number of studies, which would necessitate a new development charges background study. These include:

1) GRIDS (Growth-Related Infrastructure Development Strategy);
2) Infrastructure Needs Study;
3) Recreation Master Plan and background study;
4) Long term plans for Ambulance service;
5) Strategic Plan for Library services;
6) Road Needs Study;
7) OSIM Bridge and culvert inspections;
8) 25-year Waste Master Plan.

The City of Hamilton has determined that a review of its Development Charges By-law and related policies is necessary given the new studies and resulting growth-related fiscal requirements.

3.0 SCOPE OF THE STUDY

The consultant will be responsible for the preparation of a detailed development charges study, which will result in the calculation of reasonable development charges for the amalgamated City of Hamilton. The consultant will also attend required public meetings, develop an implementation policy for the development charges by-law and be available to the Municipality, as an expert witness in the event of an Ontario Municipal Board appeal.

It is the expectation, that working under the consultant's leadership that City staff will provide the data base necessary for completion of the study; and further that senior staff working with the consultant will be actively involved in other essentials to the study such as:

- growth projections;
- areas to which development charges apply (municipal wide versus area specific);
- review of existing development surcharges for special areas as well as possible new areas (e.g. ROPA9, Glanbrook Industrial Park, Airport area developments);
- existing facilities/infrastructure;
- future capital needs;
- allocation between class including mixed users;
- change in uses;
- exemptions;
- impact on development industry; the existing community; and economic development;
- development charge collection policies and other administrative matters.

3.1 STUDY DETAILS

1. The consultant will derive an appropriate methodology, in accordance with the provisions of the Development Charges Act, upon which to base the actual

charge. The consultant will consider the following criteria in developing the methodology:

- extent of land area to which the development charge will apply;
- municipal wide versus area specific charges;
- application of existing or new surcharge areas;
- the development charge by type and allowable level of applicable services, based on the municipality's 10-year average level of service. If an average level of service is not appropriate due to the amalgamation, to come up with a new level of service for the amalgamated City of Hamilton;
- the applicable capital and operating costs for each service for which, development charges can be imposed under the Development Charges Act;
- the percentage reduction for some services as required under the Development Charges Act;
- the development charge by type of development under various scenarios;
- structure and method of imposing both residential and non-residential charges;
- the basis for crediting the growth related portion of the property tax;
- development charges for redevelopment intensification;
- the rules regarding exemptions or reductions of charges to particular development types;
- the rules for the phasing in of development charges, where applicable, and the indexing of development charges based on the prescribed index.

2. The consultant will be required to lead the City staff in developing the database necessary for completion of the background study and to support its recommendations.

3. The consultant will undertake a front-end financing review of the capital works projects, both current and projected, to determine the capital components applicable to the development charges calculation. An analysis of historical capital works and capital budget forecasting will be required to achieve the total capital costs anticipated within the forecast period. The consultant will be responsible for segregating these costs into the leviable component and the non-leviable component and for accounting for subsidies/recoveries in order to determine the true net growth related capital costs for the forecast period.

4. The consultant will review exemptions and credits under the existing development charge by-laws and under existing City policies and provide an analysis of the impact of such exemptions and credits on financial cost-recovery. A similar impact analysis will be completed for potential exemptions.

5. The consultant will outline appropriate cost-recovery policies.
6. The consultant compare development charge rates and cost-recovery policies in neighbouring municipalities and regions, including Halton, Peel, York, Durham, Kitchener-Waterloo, Niagara and Brantford.
7. The consultant will produce a development charge schedule for the municipality.
8. The consultant will evaluate the potential effects of the proposed development charges on the rate of future residential and non-residential growth in the Municipality.
9. Based on the proposed development charge methodology and the analysis of all data collected, the consultant will prepare a draft report for the review and approval of the Development Coordinating Committee, the Development Charges Stakeholders' Committee, and Council. This report will include all policy recommendations, an assessment for all methodologies being proposed, background technical information and the legal basis upon which the findings of the report can be substantiated.
10. The consultant will present the report to the Council and at public meetings as required.

4.0 TIMING OF THE STUDY

Proposals are to be submitted to Nadine Kelly (contact information listed below in Section 10) by Friday April 18th, 2003 at 4:00pm. The study is expected to be awarded and commence in early May 2003. The Background Study is expected to be completed no later than February 2004, with approval of the new By-law in May 2004, or such other timetable as may be mutually agreed upon between the consultant and the City of Hamilton.

5.0 DEVELOPMENT COORDINATING COMMITTEE

The consultant will work with and report to the Development Coordinating Committee (DCC) which is composed of staff from Corporate Services, Planning, Economic Development, Public Health & Community Services, and Public Works. Other departmental and boards/agency representatives will be required from time to time in the areas of Social Services, Police, Emergency Services, etc. The consultant should include provisions for meetings with the DCC:

- at the commencement of the study to discuss the work plan to identify duties and responsibilities for all the participants and further to ensure that sufficient time is allocated for the completion of the assigned duties and responsibilities;
- interim reporting meetings to discuss methodologies and data integrity;
- meetings to discuss the draft report and any modifications or amendments;

- any other meetings staff or the consultant feels is appropriate.

The consultant should also budget for the time required to present the report to the Municipal Council and required public meetings.

6.0 DEVELOPMENT CHARGES STAKEHOLDERS' COMMITTEE

The consultant will also meet from time to time with the Development Charges Stakeholders' Committee which will be comprised of Councillors, representatives of the Hamilton Halton Homebuilder's Association, the non-residential development community, the Hamilton Chamber of Commerce, and non-developer community group representatives. The committee would be supported by city staff. The intent of this group is to review development charge proposals, provide input, and bring issues or concerns to the fore during the study process to reduce the need for lengthy appeals.

7.0 PROPOSAL REQUIREMENTS

1. The background of the firm/consortium indicating similar projects completed elsewhere and curriculum vitae of the personnel assigned to the project.

2. If a consortium of firms is to be used, information is to be provided on the number and nature of past projects involving the same consortium and the lead-consulting firm responsible for coordinating and liaison.

3. Identify all study team members by area of responsibility and role in the study.

4. Identification of the project manager who will act as the designated liaison.

5. A detailed description of the consultant's approach to meeting the scope of the work including a workplan and time chart for carrying out the phases of the study and including a critical path delineating what staff resources will be required, when they will be required and what information is to be provided.

6. A detailed cost estimate for each phase, which includes the number of days required to complete each of the tasks by each member of the study team. The proposal will include a table showing the per diem rates for all study team members. The overall study costs for both professional fees and expenses shall be an upset limit.

7. The consultant is requested to provide at least three references, including contact and phone number.

8. The financial responsibility for the advertising of all public meetings will rest with the Municipality.

9. A list of past work undertaken should identify any conflict of interest with respect to the consultant conducting work with developers currently operating in the City of Hamilton.

10. Twenty copies of all interim reports and 50 copies plus one electronic copy

of the final report and any supporting schedules must be submitted.

11. The final report shall include an executive summary including recommendations.

12. The consultant should identify the study team member(s) who would be responsible to provide expert testimony before the Ontario Municipal Board if a Board hearing is required. The applicable per diem rate of this person should also be provided.

13. The proposal should not exceed 10 pages in length.

8.0 ONTARIO MUNICIPAL BOARD CHALLENGE

In the event that an objection is lodged with the Ontario Municipal Board with respect to the passage of a development charges by-law by the Municipality the consultant will be expected to appear and defend the study report at the Board hearing. The costs associated with the consultant's appearance before the Board as an expert witness will be charged to the Municipality, at the consultant's prevailing OMB per diem rate.

9.0 PROPOSAL EVALUATION

Based on the proceeding, the proposals will be evaluated as follows:

Proposal Evaluation Weight Factors	Criterion Weight
A. Understanding of the City's Requirements	20%
- understanding of the existing conditions (5 points)	
- understanding of the goals and objectives (5 points)	
- understanding of the functional/ technical requirements (5 points)	
- understanding of constraints and issues (5 points)	
B. Work Plan and Schedule	30%
- methodology (5 points)	
- action plan (5 points)	
- list of deliverables (5 points)	
- does the workplan fit within the time constraints (5 points)	
- identification of required City inputs (5 points)	
- management of the services (5 points)	
C. Experience of the Consultant	30%
- experience on similar projects (5 points)	
- depth and range of experience (5 points)	
- qualifications of designated individuals (5 points)	
- list of references (5 points)	
- capability and capacity to perform the services (5 points)	
- commitment of qualified resources (5 points)	
D. Cost of the Project	20%
- cost of the services (20 points)	

10.0 CONTACT INFORMATION

Nadine Kelly
Buyer
Purchasing Division
Corporate Services Department
City of Hamilton
120 King St. West, 9th Floor
Hamilton, ON L8P 4V2
nkelly@hamilton.ca
Phone: (905) 546-3988
Fax: (905) 546-2673

NEW CITY OF HAMILTON DEVELOPMENT CHARGE RATES EFFECTIVE PER 2002 BY-LAW ANNIVERSARY DATES.

2002 Statcan Infrastructure Construction Price Index Increase = 4.4%

LOCATION	RESIDENTIAL $ PER UNIT					NON -RES $ PER SQ.FT.
	SDD/SEMI	MULTIPLE	APARTMENT	APARTMENT 2+ Bdrms	RES. FACILITY (Retirement Home)	
HAMILTON						
July 10 Region	5,034	3,740	2,159	-	1,440	3.95
Aug 12 Local	1,943	1,444	834	-	0.35 sq. ft.	0.31
TOTAL	6,977	5,184	2,993		blended	4.26
DUNDAS						
July 10 SpecialAreaChrg**	2,711	2,014	1,163	1,163	775	2.33
July 10 Region	4,360	3,240	1,870	1,870	1,247	3.63
Aug 16 Local	1,465	1,152	568	1,053	568	0.18
Education	339	339	339	339	339	0.22
TOTAL	8,875	6,745	3,940	4,425	2,929	6.36
ANCASTER						
July 10 Region	4,510	3,350	1,934	1,934	1,290	3.63
Aug 12 Local	3,452	2,060	1,362	2,268	1,362	2.14/1.27
Education	339	339	339	339	339	0.22
TOTAL	8,301	5,749	3,635	4,541	2,991	5.99/5.12
STONEY CREEK - URBAN						
July 10 Region	4,510	3,350	1,934	1,934	1,290	3.63
Aug 31 Local	4,571	3,917	1,567	2,090	1.04 sq. ft.	1.00
Education	339	339	339	339	339	0.22
TOTAL	9,420	7,606	3,840	4,363	blended	4.85
STONEY CREEK - RURAL						
July 10 Region	2,403	1,785	1,030	1,030	687	1.55
Aug 31 Local	4,157	3,562	1,425	1,901	1.04 sq. ft.	1.00
Education	339	339	339	339	339	0.22
TOTAL	6,899	5,686	2,794	3,270	blended	2.77
STONEY CREEK						
WEST MTN URBAN Region	4,510	3,350	1,934	1,934	1,290	3.63
Aug 31 Local	4,889	4,190	1,677	2,235	1.04 sq. ft.	1.00
Education	339	339	339	339	339	0.22
TOTAL	9,738	7,879	3,950	4,508	blended	4.85
FLAMBOROUGH						
July 10 Region	4,510	3,350	1,934	1,934	1,290	3.63
March 30/2002 0% Local	3,659	2,949	1,529	2,297	1,529	3.77
Education	339	339	339	339	339	0.22
TOTAL	8,508	6,638	3,802	4,570	3,158	7.62
GLANBROOK						
July 10 Region	4,510	3,350	1,934	-	1,290	3.63
Aug 24 Local	1,974	1,612	1,290	-	1,129	.12/.44/.17
Education	339	339	339	-	339	0.22
TOTAL	6,823	5,301	3,563		2,758	3.97/4.29/4.02
GLANBROOK - Binbrook						
July 10 SAC*	11,127	8,268	4,774	-	3,182	-
July 10 Region	4,510	3,350	1,934	-	1,290	3.63
Aug 24 Local	1,974	1,612	1,290	-	1,129	.12/.44/.17
Education	339	339	339	-	339	0.22
TOTAL	17,950	13,569	8,337		5,940	3.97/4.29/4.02
FLAMBOROUGH						
July 10 WATERDOWN SAC**	2,711	2,014	1,163	1,163	775	2.33
July 10 Region	4,510	3,350	1,934	1,934	1,290	3.63
March 30/2002 0% Local	3,659	2,949	1,529	2,297	1,529	3.77
Education	339	339	339	339	339	0.22
TOTAL	11,219	8,652	4,965	5,733	3,933	9.95

1. SDD means the "Single Detached Dwelling" DC rate.

2. SDD is the DC rate applicable to a single detached dwelling and to a semi-detached dwelling.

* Special Area Charge for that portion of the Township of Glanbrook designated in the Region's Official Plan as the urban settlement area of Binbrook, payable in addition to the Glanbrook uniform regional development charge. Includes the costs associated with the Binbrook Settlement Water and Wastewater Servicing Project.

** Special Area Charge for the Town of Dundas (payable in addition to the Dundas uniform regional development charge) and for that portion of the Town of Flamborough designated in the Region's Official Plan as the urban area of Waterdown (payable in addition to the Flamborough uniform regional development charge). Includes the costs associated with the Dundas/Waterdown Wastewater Flow Diversion Project.

CITY WIDE IMPLICATIONS

10.2

CITY OF HAMILTON

CORPORATE SERVICES DEPARTMENT
City Clerk's Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Joseph L. Rinaldo, General Manager
Date:	January 28, 2003	**Prepared by:**	Darryl Lee 540-5434

SUBJECT: **Municipal Elections Act Amendments – FCS03038 - (City-Wide)**

RECOMMENDATION:

That Report FCS03038 "Municipal Elections Act Amendments" respecting recent amendments to the Municipal Elections Act, 1996, as amended, be received for information.

Joseph Rinaldo

Joseph L. Rinaldo, General Manager
Corporate Services

EXECUTIVE SUMMARY:

Bill 177, The Municipal Statute Law Amendment Act, 2002, received Royal Assent December 6th, 2002. Included in Bill 177 were a number of amendments to the Municipal Elections Act, 1996, as amended. The majority of amendments made to the Act would be considered housekeeping in nature, but a number of more significant amendments respecting candidate eligibility and candidate financial reporting have been adopted.

The purpose of this report is to advise Council that the Act has been amended and to highlight the more significant changes in place for the 2003 Municipal Election. For the purposes of presentation, the more significant changes have been grouped into the following 3 categories:

1) Conduct of the Election
2) Candidate and Voter Eligibility
3) Candidate Financial Reporting

BACKGROUND:

A review of the Municipal Elections Act is routinely conducted by the Ministry of Municipal Affairs and Housing following the completion of each election. A collaborative review was undertaken in 2001 and 2002 between an Elections Project Team established by the Association of Municipal Clerks and Treasurers of Ontario and representatives of the Ministry of Municipal Affairs and Housing. Following this review a number of recommendations for changes to the Act were identified.

Not all of the proposed changes identified in this review were brought forward by the Ministry in Bill 177; however those that were brought forward represent, for the most part, key areas of concern identified in the 2000 Municipal Elections.

ANALYSIS OF ALTERNATIVES:

Amendments to the Municipal Elections Act, 1996, as amended, are summarized below:

1) Conduct of the Election

a) Nomination Day
Nomination Day (final day for Candidates to file nominations) is now 45 days prior to Voting Day in contrast to 31 days in previous Elections. For the purposes of the 2003 Municipal Election, Nomination Day is Friday, September 26th, 2003.

Impacts – Extending the period of time between Nomination Day and Election Day to 45 days presents some opportunities from an election preparation standpoint to allow earlier advance voting opportunities for electors. With the close of Nominations on September 26th, 2003 it is expected that the first advance voting opportunity will be October 21, 2003. This change also allows Clerk's Division Staff more time to conduct required election worker training and to prepare all required ballots and election supplies.

b) Chargeback of Election Costs to Local Boards
Section 7.5 of the Municipal Elections Act, 1996, as amended, has been repealed. This Section had referenced Section 220.1 of the Municipal Act which authorized a municipality or local board to pass a by-law imposing fees or charges for services or activities provided on behalf of any other municipality or local board

Impacts – This provision has no impact on the City of Hamilton. This provision was not utilized in the City of Hamilton and was seldom invoked across the Province of Ontario. In most municipalities where this option was considered, there was general opposition to such a chargeback of costs. It should be noted that Section 7.3 of the Act does permit a municipality to chargeback the costs of a by-election to a local board.

c) Ballot Questions – Submissions by Local Boards, Ministry of Municipal Affairs and Housing
Section 8 (5.1) has been added to the Act establishing a deadline for the submission of a by-law or question to the electors from a local board, upper tier municipality or a question provided by Order of the Minister. Any by-law or question must now be provided to the Clerk of the municipality on or before September 1st of an election year. It is important to note that the deadline for the municipality to pass a by-law to submit a question to the electors is May 15, 2003, 180 days prior to Voting Day.

The May 15th deadline applicable to the municipality is in place to provide time to hold a required public meeting, provide notice of the intent to pass the by-law and to provide notice of the by-laws passage. An appeal period is also in place for citizens if it is felt the question approved does not comply with the provisions of the Act surrounding jurisdiction or authority.

Impacts – The Act was previously silent with respect to a deadline date for the submission of a question from a local board, upper tier municipality or the Minister. In previous elections, municipalities were required to establish a deadline date themselves, which subsequently varied across the Province.

d) Exclusion of Acclaimed Candidates at Voting Places
Section 47(1) of the Act has been amended to provide for the exclusion of an acclaimed candidate from the ballot counting proceedings within a voting place. Only a candidate or a candidate's scrutineer is permitted to be in attendance during the counting of the vote.

Impacts – This has not been an issue in the City of Hamilton in recent elections, however other municipalities in Ontario have encountered disruptions resulting from acclaimed candidates being present during vote counting. Acclaimed candidates have no reason to be in attendance during vote counting for other offices.

e) Elector Influence
Section 48 of the Act currently provides that while an elector is in a voting place, no person shall directly or indirectly try to influence how the elector votes. A subsection (3) has now been added to this Section to clarify that the voting place includes any place in the immediate vicinity of the voting place designated by the Clerk.

Impacts – This clarification would preclude any campaigning in the immediate vicinity of the voting location and would include the walkways leading up to a voting facility.
In prior elections some candidates have located themselves immediately outside of the voting facility for campaigning purposes.

f) Candidate Filing Fee
An amendment to Ontario Regulation 101/97 has increased the candidate filing fee for the Office of Mayor from $100 to $200. The filing fee for all other offices remains at $100.

Impacts – The candidate filing fee is refundable to candidates if they are elected to office, withdraw their nomination or achieve more than 2% of the votes cast in the election for the office.

g) Recount Timetable

Amendments have been made to Section 56 of the Act respecting the timeframe and process for conducting a recount of election results. If a recount is required as the result of a tie vote, or by resolution or order, it shall be conducted within 15 days after the decision is made or the declaration made. The legislation previously provided that a recount be held within 10 days of such a determination. The 15 day recount provision also applies to a court ordered recount.

Impacts – This amendment has a more significant impact in municipalities where a recount of ballots is conducted by hand count. In these cases, substantial staffing resources may have to be mobilized to conduct the recount. An extra 5 days ensures that the process can be completed in an orderly and methodical manner. Municipalities who have approved the use of vote counting equipment would conduct a recount by the same manner unless a Court were to order a recount by hand of all affected ballots.

2. Elector and Candidate Eligibility

a) Definition of Owner or Tenant

The definition of "owner or tenant" in subsection 1 of the Act has been repealed and replaced. The new definition provided extends the definition of owner or tenant to include an individual who is entitled to use the land under a time share contract if certain conditions are met. Those conditions being that the person is entitled to use the land under a time share contract on voting day or for a period of six weeks or more during the calendar year in which an Election is held.

Impacts – This change will have little, if any, impact on the list of electors for the City of Hamilton where timeshare vacation properties are not prevalent.

b) Qualification of Electors

Section 17.1 of the Act previously provided for a "qualification period" for electors that began the Tuesday after Labour Day and extended to the close of voting on Election Day. The Act provided that an individual who resided in the municipality during the "qualification period" and who was 18 years of age, a Canadian Citizen and not otherwise prohibited from voting on Election Day be entitled to vote. Section 17.1 of the Act has now been repealed as have any references to "qualification period" throughout the Act.

An individual is entitled to vote if on voting day, he or she:

- resides in the municipality or is the owner or tenant of land there, or the spouse or same sex partner of such owner or tenant;
- is a Canadian citizen;
- is at least 18 years of age;

- is not otherwise prohibited from voting

Impacts – This amendment serves to simply clarify a somewhat confusing section of the Act. An individual need only meet the qualifications for voting as of Election Day in order to be entitled to vote.

c) Candidate Qualifications
An amendment to Section 29(1) of the Act provides that a person may be nominated for office only if, as of the day the person is nominated, he or she is qualified to hold the particular office. Section 29(1.1) which has been added to the Act provides that a member of the Legislative Assembly of Ontario, Senate or House of Commons of Canada is not ineligible to be nominated for an office in a municipal election by virtue of being a member of any of those bodies. A member of one of these bodies must however, provide proof of resignation as of the close of nominations on Nomination Day, or the nomination shall be rejected by the Clerk.

An amendment to Section 30(1) of the Act provides that an employee of a municipality or local board is eligible to be a candidate for, and to be elected as a member of the council or local board that is their employer, if he or she takes an unpaid leave of absence commencing on the day the employee is nominated and ending on Voting Day.

Impacts – With the exception of members of the Legislative Assembly, Senate or House of Commons, it is now a requirement to be qualified to hold the office that is being sought when the Nomination Form is filed. Candidates holding seats from other levels of Government were not precluded from running in previous Municipal Elections but would have been in 2003 given the change in wording to Section 29(1) if this exception were not provided. Employees of the municipality or local board were previously required to take an unpaid leave of absence from their employer no later than the close of nominations.

3) Candidate Financial Reporting

a) Campaign Spending Limits
A further amendment to Ontario Regulation 101/97 has resulted in increased spending limits for candidates for Municipal Offices. The changes are summarized below:

Head of Council – from $7500 + .50 cents per elector to $7500 + .70 cents per elector
Other Candidates - from $5500 + .50 cents per elector to $5500 + .70 cents per elector

Impacts – Based upon elector count numbers for the 2000 Municipal Election, increased spending limits would translate to an approximate $71,000 increase in the campaign expense limit for the Office of Mayor. Taking an average ward size from the 2000 Municipal Election, this amendment would yield an average spending limit increase of $ 4,700 for Council positions. Part of the rationale for increasing limits is attributable to the fact that no adjustments to the rates for inflationary changes have occurred since 1988.

b) Campaign Finances – Campaign Period Determination
An amendment to Section 68(1)(4) of the Act clarifies when a campaign period is ended if the campaign period had been extended beyond December 31st of an election year. The Act is now clear that once a campaign deficit has been eliminated the campaign period ends.

Impacts – This amendment simply serves to clarify existing legislation. Questions had previously arisen surrounding the end of an extended campaign period. In some cases it had been interpreted as the end of the next supplementary reporting period while in other cases it was determined to be the point in time where the campaign deficit had been eliminated.

c) Retention of Campaign Financial Records
An amendment to Section 69(1) of the Act requires that all candidates retain records described in Sections (f, g, h and i) of Section 69 for the term of office of the members of Council or local board and until their successors are elected and the newly elected council or local board organized. The records identified in this section would include campaign expense records, records of gross income from fund raising expenses, and any records of campaign loans.

Impacts – This amendment does not obligate candidates to keep or prepare additional records but simply to ensure that they retain existing records for their entire term of office. In other municipalities, campaign records have been the object of police investigations well into the term of the new council/local board.

d) Campaign Reporting Period Deadlines
An amendment to Section 78(1) of the Act requires that all campaign financial reports be filed on or before 5:00 p.m. on the required filing date. This amendment has simply added the 5:00 p.m. component to the existing provision.

Impacts – This amendment establishes a clear deadline time for the filing of campaign financial reports. In previous elections, candidates have delivered campaign reports on the deadline day after normal business hours. This amendment clarifies that reports filed after 5:00 p.m. on the filing date will be considered in default.

e) Notice of Filing Requirements
A further amendment to Section 78 of the Act requires that the Clerk shall, at least 30 days before the filing date, give notice to candidates of the filing requirements of the Act by registered mail.

Impacts – This amendment simply reflects what was previously a common practise in many Ontario municipalities.

f) Electronic Filing of Financial Reports
A further amendment to Section 78(7) now permits candidates to file campaign reports with the Clerk electronically subject to certain conditions and limits established by by-law.

Impacts - Municipalities wishing to take advantage of this provision will have to establish conditions of electronic filing by by-law. The City's Clerk's Division will be investigating the potential requirements of such a by-law/policy and identifying the feasibility of moving toward electronic filing of reports in the City of Hamilton.

g) Identification of Campaign Surplus
Section 80(1) of the Act clarifies that it is not the role of the Clerk to determine if a campaign surplus exists from a candidate's financial report. Section 80 indicates that a document filed must identify a surplus.

Impacts – This amendment simply clarifies that a Municipal Clerk is not required to check/audit a financial return filed to determine if a campaign surplus may exist, and places the onus on the candidate to provide a complete and accurate report.

h) Penalties for Failure to File Campaign Reports
Section 80 of the Act has been repealed and replaced with a new section clarifying the penalties applicable to late and non-filing of campaign reports.

For candidates who fail to pay a campaign surplus over to the municipality or who incur expenses exceeding the established limits:

- the candidate forfeits any office to which he or she was elected and the office shall be deemed to vacant,
- until the next regular election has taken place, the candidate is ineligible to be elected or appointed to any office to which the Act applies.

In the case of candidates who fail to file the required financial report by the relevant filing date:

- the candidate is suspended without pay from any office to which he or she was elected until the document is filed. The penalties identified above relating to the forfeiture of office and ineligibility to seek office also apply if the candidate has not filed the document within 91 days after the required filing date.
- the candidate may within 91 days after the last day for filing apply to the Ontario Court of Justice to extend the time for filing the document.

Impacts – The significant change to this Section is the establishment of a 91 day grace period for candidates who have not filed their financial report by the required filing deadline. Members of a council or local board would be suspended from office without pay during this grace period until the required report is filed. The remainder of changes to this Section clarify the penalties associated with potential campaign reporting defaults.

i) Request for a Compliance Audit
The timeframe for requesting a compliance audit of a campaign has been clarified by amendments to Section 81(2) of the Act. An application for a compliance audit shall be made to the Clerk of the municipality or secretary of the local board within 90 days after the later of the filing date, the candidate's last supplementary filing date, if any, or the end of the candidate's extension for filing as previously granted.

Impacts – This amendment serves to clarify when a compliance audit request can be considered. Questions have arisen in other municipalities with respect to the timeliness of a compliance audit request where campaign periods have been extended.

j) Appointment of Arms Length Committee to Review Compliance Audit Requests
Section 81(2) of the Act has been amended by the addition of Section 3.1 which permits a council or local board to establish a committee to delegate its powers under Section 81 to review requests for campaign compliance audits. Such a committee shall not include employees or officers of the council or local board. Any decision of the council or appointed arms length committee respecting a compliance audit may now be appealed to the Ontario Court of Justice within 15 days after a decision is reached.

Impacts – The City of Hamilton has never received a request for a campaign compliance audit. For those municipalities that have received requests, local councils and boards, who are required to approve these requests, have been placed in a very difficult position. The request for a compliance audit could relate to a member of the council or local board who would consider the request. The appointment of an arms length committee takes compliance audit requests out of the hands of a council or local board. Should Council wish to establish an arms length committee to review compliance audit requests, it must be established before Voting Day, November 10th, 2003.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Municipal Elections Act changes outlined in this Report are not expected to have any effect on the proposed operating budget for the 2003 Municipal Election.

POLICIES AFFECTING PROPOSAL:

The Municipal Elections Act, 1996, as amended governs the conduct of Municipal Elections in the Province of Ontario including the roles and responsibilities of candidates for municipal office.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

In preparation of this Report consultation has been undertaken with representatives of the Ministry of Municipal Affairs and Housing and the Association of Municipal Clerks and Treasurers of Ontario.

CITY STRATEGIC COMMITMENT:

In keeping with the goals of Vision 2020 to ensure that public activities and decisions at all levels of government are co-ordinated, efficient, effective and easily accessible to all citizens, the City Clerk's Office will be offering information sessions for candidates interested in running for Office in the 2003 Municipal Election to review the amendments to the Municipal Elections Act and the impact that they have on candidates and the election process. A copy of the amended legislation is also available on the City's Election webpage for the public's information.

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

10.3

CORPORATE SERVICES
Customer Service

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Joseph L. Rinaldo General Manager
Date:	February 11, 2003	**Prepared by:**	Jane Lee, (905) 546-2654

SUBJECT: **Extend Local Calling**
Report FCS03054 (City Wide)

RECOMMENDATION:

1) That the City of Hamilton request Bell Canada to prepare the economic analysis required by the CRTC to determine the costs of expanding the local calling area to ensure that the maximum number of residents of the City of Hamilton can call other exchanges in the City of Hamilton toll free while maintaining a resulting rate increase of $1.00 per line per month or less;

2) That Bell Canada be requested to report back to the City of Hamilton and to the Expand Local Calling Task Force in 3 months on the progress that has been achieved;

3) That, upon the completion of the economic analysis, the information be provided to the City of Hamilton and the Extend Local Calling Task Force;

4) That this report be forwarded to the Regional Municipalities of Niagara, Halton and Waterloo, the County of Brant, the Town of Haldimand, City of Burlington, County of Wellington, Township of Puslinch and Township of North Dumfries, for their information, and that they be invited to provide comments and/or concerns to the City of Hamilton.

Joseph Rinaldo

Joseph L. Rinaldo, General Manager
Corporate Services

EXECUTIVE SUMMARY:

Earlier discussions on the possibility of expanding the local calling areas for telephone exchanges in the City of Hamilton were delayed due to the consideration by the CRTC of changing the guidelines and criteria for expansion of these areas. The decision of the CRTC was released in September, 2002, and the implications of the resulting changes have been discussed by the Extend Local Calling Task Force with their recommendations being presented to Council for consideration.

BACKGROUND:

On October 24, 2001, Committee of the Whole received a delegation from the Chamber of Commerce and the Extend Local Calling Task Force. They asked Council to endorse the recommendations to be forwarded to the CRTC by the Chamber and the Task Force with respect to the CRTC's consideration of guidelines for extension of local calling areas. Council endorsed the recommendations of the Task Force and in addition, staff were requested to report to Council on the possible impacts which could result from the extension of local calling privileges throughout the new City and the Census Metropolitan Area.

Council received these impacts on November 1, 2001. No further actions were taken while the CRTC considered the input provided to them in response to their call for input on their guidelines and criteria for expansion of local calling areas. The recommendations submitted to the CRTC by the Extend Local Calling Task Force, endorsed by Council, are attached for your information.

The CRTC decision (Telecom Decision CRTC 2002-56) was released on September 12, 2002, in order to provide a framework for the expansion of local calling areas.

The Commission announced a new framework for the expansion of local calling areas (LCAs). They established general principles and criteria for expanded LCAs and addressed the increased desire to extend toll-free calling, particularly as a result of municipal amalgamations, as well as circumstances in the competitive telecommunications industry and market.

The new framework sets out the criteria for assessing applications for expanded LCAs and the general principles of compensation for increased operating costs, foregone toll revenues and the costs of conducting subscriber plebiscites.

Because of this decision, the following are now the basic general principles and criteria for expanded local calling areas:

- Community of Interest – A request from the appropriate local, municipal or regional governments is evidence of the Community of Interest;

- Distance – The distance criterion previously set out does not apply in the cases of expansion of local calling areas;

- Compensation for Increased Operating Costs – incumbent local exchange carriers (ILECs) may seek an adjustment to offset any material increase in net incremental operating costs;

- Compensation for Foregone Toll Revenues – ILECs may apply a temporary surcharge to be paid by subscribers within the expanded LCA in order to compensate the ILEC and affected competitors for foregone toll revenues.

- Plebiscite – All residential subscribers whose residential individual line rate, including the temporary surcharge, would increase by more than $1 per month as a result of the proposed expansion of the LCA must have the opportunity to vote on the proposal. A simply majority of respondents must vote in favour of the proposal before it may be implemented. The local, municipal or regional governments will pay the cost of plebiscites.

ANALYSIS OF ALTERNATIVES:

The Extend Local Calling Task Force met to consider the CRTC decision, the revised guidelines and process, and their implications for previously considered alternatives. As the CRTC decision affects what costs can be included by Bell when calculating the rate increase associated with an extended local calling area, the previous alternatives and resulting estimates of rate increases will no longer be valid.

The Extend Local Calling Task Force has discussed the alternatives for expansion and recommends that the City ask Bell Canada to undertake the necessary economic analysis to determine the costs and resulting rate impact of expanding the local calling area in Hamilton. The Task Force recommends that the economic analysis consider scenarios for expansion which would result in the following: the maximum number of residents can call each other toll-free, and the threshold would not be met wherein a plebiscite would be required (not more than $1 per month rate increase). The Task Force would like to achieve the largest expansion possible within the $1.00 per line per month rate increase limit to avoid the need for and costs of the plebiscite.

The majority of areas in the following exchanges are in the City of Hamilton:

Exchange	% Geography in the City
Ancaster	99.118
Binbrook	92.6713
Dundas	100.00
Freelton	94.9797
Hamilton	96.9791
Lynden	88.8547
Mount Hope	100.00
Stoney Creek	100.00
Waterdown	89.9261
Winona	69.2899

The remaining exchanges in the City of Hamilton are as follows:

Exchange	% Geography in the City
Caledonia	0.0206
Galt	31.4788
Guelph	0.4321
St. George	4.5198

Of these, Galt is the most significant area. There are about 1,000 residents in the Galt exchange in the City of Hamilton. If Galt and Winona are included in the extended local calling area, the changes to the toll-free calling will be as noted in the following table.

Telephone Exchange	# of New Exchanges Added	Percentage Increase to Local Calling Area (customers available toll free)
Ancaster	6	34%
Binbrook	7	40%
Dundas	5	29%
Freelton	7	27%
Galt	9	120%
Hamilton	1	11%
Lynden	6	13%
Mount Hope	7	40%
Stoney Creek	7	37%
Waterdown	7	26%
Winona	8	38%

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

An expansion to the local calling area allows the customers in each of these exchanges to call all customers in those exchanges without paying long distance rates. However, monthly rates for all lines will increase. Each customer, depending on their calling patterns, will have a reduction in long distance charges for calls within the expanded local area exchanges. In this way, customers will see a redistribution of charges on their phone bills with increased monthly charges being offset, to varying degrees, by lower long distance charges.

Should an expansion of the local calling area be undertaken within the $1.00 per line per month limit, the cost impact would then be a maximum of $12/year. This results in an approximate 5% increase over existing telephone costs, with varying reductions in long distance charges, dependent on volumes of previous long distance calling by each customer.

In addition to the impact on the residents of the City of Hamilton, the telecommunications costs of the City of Hamilton will also increase. With the implementation of IP telephony and the reduction of lines associated, the current estimate of the increased costs to the City of Hamilton would be in the range of $20,000 per year based on $1 per line per month. This may be somewhat offset by a decrease in long distance charges, but the reduction expected is minimal.

POLICIES AFFECTING PROPOSAL:

In order to move forward with consideration of expanding local calling areas, the following steps need to take place:

- The appropriate local government must pass a motion to expand the local calling area and provide it to the incumbent local exchange carrier, in this case, Bell Canada.

- Bell Canada will undertake an economic study to determine the net incremental operating costs and associated adjustments for Bell Canada and the amount of foregone toll revenue for Bell Canada and its competitors, along with the temporary surcharge for foregone toll revenue, and a cost estimate of undertaking a plebiscite, if required.

- The local government would decide whether or not to proceed, based on the economic study. Council would be able to decide, should the results of the economic analysis indicate that the increase in the per line monthly rate would exceed $1.00 or if the cost of the plebiscite would be prohibitive, whether or not to proceed with the expansion.

- If the decision is to proceed, Bell Canada would file an application with the CRTC, whereupon there would be an opportunity for interested parties to comment.

- If the application is approved by the CRTC, Bell Canada would conduct a plebiscite, where required, paid for by the local government.

- Note: the CRTC suggested a temporary surcharge to cover 3 years of the foregone toll revenue, but were asking for additional comments, with a determination yet to be made on this point.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Members of the task force include:

Chair Marcel Mongeon, McMaster University
Councillor Larry Di Ianni, City of Hamilton
Kathy Dinney
John Dolbec, Chamber of Commerce
John Hertel, Bell Canada
Gordon Jackson, Bell Canada
Wing Lee, Teletron Communications Inc.
Jane Lee, City of Hamilton
Catherine Martin, Hamilton-Burlington & District Real Estate Board
Darlyne Mills, Jack Mills Real Estate Inc.
David Ricketts, Pearson-Dunn Insurance
Marvin Ryder, McMaster University
Tony Tartaglia, BDO Dunwoody LLP
Tara-Lynn Franco, Mayor's Office, City of Hamilton
Janet Whitehouse, Bell Canada
Richard DoConto, Special Assistant to Tony Valeri

CITY STRATEGIC COMMITMENT:

This initiative supports Council's goals of becoming a City of Growth and opportunity, and of becoming a Great City in Which to Live.

Attachment

Recommendations Submitted to the CRTC by the Extend Local Calling Task Force Endorsed by Council

- *No existing extended area service calling patterns should be reduced.*
- *Telephone exchanges should match municipal boundaries where possible (in this instance the 'Hamilton Census Metropolitan Area').*
- *The most appropriate means of establishing a 'community of interest' is the Statistics Canada 'Census Metropolitan Area'.*
- *All of a CMA should be local calling to every other part of the CMA.*
- *Exchanges outside of the CMA that had prior local calling privileges into a part of the CMA should have those privileges continued.*
- *Increases in rates among the affected exchanges should take into account the following:*
  - *a) On a realignment of service, increases in rates among the difference exchange should be, in part, proportional to the increase in the number of lines accessed. It is recognized that this will not be in direct proportion as some exchanges will enjoy relatively small increases in service (e.g. old City of Hamilton exchanges will get little increase in service).*
  - *b) Increases in rates should be phased in over 3 to 5 years to minimize the 'sticker shock' impact.*
  - *c) Increases should be equal among business and residential subscribers.*
- *Local support for any proposed change in local calling areas should be simple resolution of the Council(s) of the local municipal government or governments concerned.*

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

10.4

CORPORATE SERVICES DEPARTMENT
Corporate Management Services - Investments

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Joseph L. Rinaldo, General Manager
Date:	February 11, 2003	**Prepared by:**	Gerry T. Boychuk Ext. 4321

SUBJECT: "Standard and Poor's 2003 Credit Rating" (FCS03048) (City Wide)

RECOMMENDATION:

That Report FCS03048 "Standard and Poor's 2003 Credit Rating" be received for information.

Joseph Rinaldo

Joseph L. Rinaldo, General Manager
Corporate Services

EXECUTIVE SUMMARY:

Financial: The City of Hamilton's long-term credit rating with the Standard and Poor's (merged with Canadian Bond Rating Service) is unchanged at AA for 2003. Our external borrowing costs for capital projects should remain unaffected on a relative basis to other municipalities from a credit perspective. The release is attached as Schedule A to FCS03048.

BACKGROUND:

Our long-term rating reflects a high quality AA. The City's long-term debt rating reflects past management and the expectations of fiscally responsible management of the City going forward reflecting 2003 and beyond projected debt levels.

The credit report gives the City recognition for its economic and financial improvement, citing a respectable 2001 budget performance, a moderate gain in liquidity, and a relatively low debt burden. The economy is expected to continue to diversify and benefit from solid economic and financial performance medium term. The City's debt burden medium term is expected to be limited to that outlined in the current capital plan.

Risks to the credit rating assigned are an aggressive capital plan that will add significant debt and debt-service costs, potential for deterioration in the operating balance due to the need / pressure to generate additional operational savings, and some uncertainty regarding Ontario's economic prospects in 2003.

The current long-term ratings of the City of Hamilton are AA from Standard and Poor's, AA(high) from Dominion Bond Rating Service (currently under review). All of these ratings reflect the a high quality long-term rating of Hamilton allowing the City to achieve better financing rates and access expanded investment opportunities for reserves.

The long-term credit history of the City of Hamilton is as follows:

Company Name	**Rating History (formerly Region of Hamilton/Wentworth)**
Standard and Poors (formerly CBRS)	**AA: since 1999** **AA +: 1994 to 1999** **AAA: 1989 to 1994**
Moody's	**Aa3: since 1995** **Aa2: 1988 to 1995**
Dominion Bond Rating Service	**AA(High): Since 1994 Currently Stable Outlook, upgraded from Negative Outlook in 2001**

*Please note that Moody's will no longer be rating the City. From a practical standpoint and cost perspective, three credit rating agencies were not required. After due consideration and interviews with rating agencies a decision was made to eliminate Moody's

Long-term rating Peer comparison (using Standard and Poor's equivalent scale)

Municipality (or Regional Municipality)	**Rating**
Hamilton	AA
Toronto	AA
Halton	AAA
Niagara	AA
Peel	AAA

ANALYSIS OF ALTERNATIVES:

None applicable.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Reaffirmation of our credit rating should prevent any deterioration in our long term borrowing costs due to rating / risk related factors.

POLICIES AFFECTING PROPOSAL:

None.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Not applicable.

CITY STRATEGIC COMMITMENT:

Maintaining a strong credit rating is consistent with and forms an integral part of Strategic Commitment # 5 – A City That Spends Wisely & Invests Strategically".

STANDARD & POOR'S
CANADIAN RATINGS

Publication date: 04-Feb-2003
Reprinted from RatingsDirect

Summary: Hamilton (City of)

Credit Analysts: Mario Angastiniotis, Toronto (1) 416-507-2520; Stephen Ogilvie, Toronto (1) 416-507-2524

Credit Rating:
AA/Stable/--

Rationale

On Feb. 4, 2003, Standard & Poor's Ratings Services affirmed its ratings on the city of Hamilton, including its 'AA' long-term issuer credit and senior unsecured debt ratings. The outlook is stable.

The ratings reflect:

-- A respectable budgetary performance in 2001 as Hamilton recorded an operating surplus of 12.7% of operating revenues;

-- Moderate gains in financial strength as liquidity improved substantially in 2001; and

-- A relatively low net debt burden, despite a moderate increase in net debt to operating revenues (net of sinking funds) to 21% in 2001 from 18.0% as of Dec. 31, 2000.

The positive factors are offset somewhat by:

-- An aggressive capital plan that will see net debt and debt-service levels rise significantly in 2002 and in the medium term;

-- The potential for deterioration in the operating balance as a result of the need to generate additional operational savings; and

-- Some uncertainty regarding Ontario's economic prospects in 2003 and the attendant risks to Hamilton's income support expenditure burden and assessment growth.

Outlook

The stable outlook reflects the expectation that the city's economy will continue to diversify and benefit from solid economic and financial performances in the medium term and that it will maintain its net creditor position (for tax-supported debt) in the next three years. In addition, Standard & Poor's expects that any increase in the city's debt burden in the near to medium term will be limited to what is indicated in the current capital plan.

Economic and Financial Performance

Hamilton's economy slowed somewhat in 2001, after posting two strong consecutive economic performances in 1999 and 2000. Since 2001, the city's employment growth has moderated, the local unemployment rate has risen, and employment insurance claims also have climbed. Employment for the Hamilton Census Metropolitan Area (CMA), which includes the neighboring city of Burlington, rose by a modest 0.9% in 2001 following a 6.3% growth rate in 2000, and was weak in the first half of 2002.The employment picture seemed to have stabilized by the end of 2002. Income support caseloads, however, remained on a declining trend, with average monthly caseloads declining by a further 13% in 2001. As of August 2002, average monthly caseloads declined by an additional 3% from the previous year. In 2002, residential and commercial assessment grew by 1% and 2%, respectively, while industrial assessment declined by 1%.

Hamilton continues to face operating and capital challenges from the amalgamation in 2003 and cost increases, such as wage and salary costs of city employees. The city, nevertheless, produced a solid operating surplus of 12.6% of operating revenues in 2001 (in Standard & Poor's adjusted terms), slightly exceeding the surplus of 9.9% of operating revenues in 2000. After consolidating operating and capital balances, the City recorded a modest deficit of 2.2% of consolidated revenues in 2001. This follows a larger deficit of 6.4% of consolidated revenues in 2000. Little change in the operating surplus is expected in 2003; however, a wider overall deficit is expected as a result of the city's need for increased capital spending.

Operating revenues (as adjusted by Standard & Poor's) declined by just under 1% in 2001 as compared with the previous year's levels, while operating expenditures declined by 3.7% compared with 2000. Although the final data for 2002 are not yet available, it is expected that the budgetary pressures were again present to some degree. The city's tax levy is expected to have increased by 3.4% in 2002 as compared with 2001, which, together with additional operational expenditure savings, should keep the operating budget in a surplus position. The city is expected to continue to face operating challenges due to rising wage pressures in the future--additional expenditure cuts or tax increases are expected in the medium term. It should be noted, however, that the city's ability to find additional savings without substantially affecting service levels is limited given rising cost pressures from collective bargaining agreements.

Total capital spending rose by 5.7% in 2002 as compared with 2001. Capital expenditures are expected to be ramped up dramatically in 2003 (up 14%) and in the medium term as the city addresses a backlog of capital deferrals and ageing infrastructure. For example, capital expenditures for water and sewer infrastructure are expected to more than double in 2003. The city's 2003-2012 capital plan calls for about C$2.2 billion in capital spending in total to deal with all these needs. The bulk of the spending (about 66%) is front-end loaded and is planned to occur within the next five years.

As at the end of 2001, Hamilton's total debt stood at about 21% of operating revenues. This was up slightly from about 18% in 2000. The city's consolidated debt includes both tax- and rate-supported debt (such as water and sewer). The city's tax-supported debt represents about 19% of operating revenues, while the rate-supported debt accounts for 2%.

The city's total debt is expected to rise dramatically over the next five years, reaching 58% of operating revenues by 2005. Most of the additional debt that will be incurred over the next five years will be rate-supported, and consequently tax-supported debt as a share of operating revenues is expected to rise at a more moderate pace to 36% by 2005.

RATINGS LIST

Hamilton (City of)

Long-term credit rating AA/Stable/--

Senior unsecured debt AA

Complete ratings information is available to subscribers of RatingsDirect, Standard & Poor's Web-based credit analysis system, at www.ratingsdirect.com. All ratings affected by this rating action can be found on Standard & Poor's public Web site at www.standardandpoors.com; under Fixed Income in the left navigation bar, select Credit Ratings Actions.

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The McGraw-Hill Companies

AFFECTS CITY WIDE

10.5

CITY OF HAMILTON

FINANCE AND CORPORATE SERVICES
Corporate Management Services

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Joseph L. Rinaldo, General Manager
Date:	January 10, 2003	**Prepared by:**	William Young 546-2469

SUBJECT: Contractual Enforcement Services for 2002-2003 (FCS03027)

RECOMMENDATION:

That the Manager of Parking and Enforcement Operations be authorized and directed to execute an agreement with the Canadian Corps of Commissionaries (Hamilton) and all ancillary documents thereto in a form satisfactory to Corporate Counsel for the provision of enforcement services for 2003 through 2006, with 2007 as an option year at the City's discretion attached hereto as appendix "A" to report No. FCS03027.

Joseph Rinaldo

Joseph L. Rinaldo, General Manager
Finance & Corporate Services

EXECUTIVE SUMMARY:

The purpose of this report is to seek City Council authorization to execute an agreement with the Canadian Corps of Commissionaires (Hamilton), for the provision of enforcement services for 2003 through 2006, with 2007 as an option year at the City's discretion, in accordance with the conditions of the vendor's quote.

In late 2001, as per the current corporate purchasing policy, a "request for tender" was issued for any parties interested in providing this service.

The Corps was the only bidder, and the quote submitted in response to the tender was 17% higher than the previous quote for the same services in 2003, and a subsequent 2% increase in 2004. Purchasing policy allows for renegotiations with a successful bidder when the bid is higher than the anticipated cost. Therefore, in accordance with the corporate policy the purchasing section authorized staff to renegotiate the terms of the contract with the successful bidder, the details of which are outlined in the financial section of this report.

BACKGROUND:

Since the early 1950's the Canadian Corps of Commissionaires has provided the City of Hamilton with enforcement services, originally pursuant to agreements with the Police Department and since 1974, pursuant to successive agreements with the City which were overseen by the City's Parking By-law Enforcement section.

Historically, the City Council practice was to obtain a price quote from the Corps respecting each upcoming contractual term, just prior to the end of the term of each existing service agreement. Upon receipt of each quote, Corps representatives and the City staff would negotiate a mutually satisfactory agreement, binding upon City Council approval.

In late 2001, as per the current corporate purchasing policy, a "request for tender" was issued for any parties interested in providing this service.

In order to avoid the disruption of enforcement services, City staff and the Corps executed an interim agreement to ensure the continued provision of said services on a month to month basis in accordance with the terms set out in the 2002 quote submitted by the Corps. Said interim agreement includes a termination clause in favour of the City, which will be invoked upon the execution of the agreement arising out of the aforesaid tender process.

ANALYSIS OF ALTERNATIVES:

The negotiation of a mutually agreed upon contract with the Corps has proven to be the most cost effective method of obtaining this service.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The terms of the renegotiated contract are 11% 2003, 1% 2004, 1% 2005, 1% 2006 and 1% 2007 as an option year and are summarized in the table below. This is a reduction in base expenditures of $32,100 from the original 2002 (bid quote of 17%) for 2003. The net result is an increase of $68,000.00 for 2003 over the 2002 month to month agreed upon price for this service. Sufficient funds are being recommended in the 2003 budget submissions.

Year	Annualized Cost Of Service	% Increase
2001	$593,370	0%
2002	$617,100	4%
2003	$685,000	11%
2004	$691,850	1%
2005	$698,770	1%
2006	$705,760	1%
2007	$712,820	1%

POLICIES AFFECTING PROPOSAL:

Corporate Purchasing Policy

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

- Finance
- Purchasing

CITY STRATEGIC COMMITMENT:

By-law enforcement directly contributes to the health, well being and livibilty of the community by encouraging compliance with regulations necessary for public safety, traffic flow and community needs.

WY/

Appendix “A” to Report FCS03027

PROPOSAL

BY

THE CANADIAN CORPS OF COMMISSIONAIRES – HAMILTON

PREPARED FOR

THE CORPORATION OF THE CITY OF HAMILTON

IN RESPONSE TO CONTRACT C6-04-02

ENFORCEMENT OF MUNICIPAL BY-LAWS

28 AUGUST 2002

The Canadian Corps of Commissionaires – Hamilton Division is pleased to submit this proposal for the provision of Enforcement of Municipal By-Laws to the City of Hamilton and offers the following information in support of its bid.

By making this proposal, the Corps acknowledges that it has read, understands and agrees to be bound by all of the terms and conditions set out in the Tender Documents; Contract Number C6-04-02. In the event of any conflict, the Contract shall have precedence.

1. Definitions

Throughout this proposal the following definitions will apply:

a. "The Corps" and "The Commissionaires" mean the Canadian Corps of Commissionaires - Hamilton Division.

b. "The Corps Office" means the Chief Executive Officer and Operations Staff of the Head Office of the Hamilton Division of the Canadian Corps of Commissionaires located at 3385 Harvester Road, Suite 104, Burlington, ON L7N 3N2. Telephone 905-639-4880.

c. "The Client" and "The City" mean The Corporation of the City of Hamilton, Ontario, Canada and/or its authorized representatives.

d. "The Contract" means the Tender Documents for Provision Of A Service Provider For Enforcement Of Municipal By-Laws, Contract C6-04-02 issued by the Corporation of the City of Hamilton.

2. Company Profile

The Canadian Corps of Commissionaires is a private not-for-profit organization dedicated to providing its clients with superior individuals to perform value-added services in demanding situations. Founded in 1925 to provide dignified and worthwhile employment for Canadian ex-servicemen in Montreal, Toronto and Vancouver the Corps has grown into Canada's largest private security company. The nation-wide association of 17 Divisions employs over 16,000 Commissionaires with combined sales of nearly $250 million in fiscal year 2000-2001. The Hamilton Division was established in 1937 and currently has over 320 Commissionaires employed at approximately 50 work-sites.

The Corps is the Federal Government's provider of choice for a variety of security related services. Nationwide, the value of Federal Government contracts with the Commissionaires exceeds $100 Million annually. The Hamilton Division is currently providing a wide range of services to Federal, Provincial, and Municipal governments. In addition we provide services to a broad spectrum of Private Sector firms. While the provision of high quality security guards remains our primary business, the Hamilton Division also employs Commissionaires as by-law enforcement officers, parking lot attendants and cashiers, drivers, receptionist/public information officers and fingerprinting/identification specialists. A full client list and references are available upon request.

Today the list of persons eligible for employment with the Commissionaires includes men and women with honourable service in the Canadian Armed Forces, the Primary Reserves, or the Royal Canadian Mounted Police. Also eligible are persons who have served in the armed forces of allied nations, ex-policemen, and others with a demonstrated history of long-term employment in a related field.

Thus, the Corps has a wide selection of talented, highly motivated individuals who are accustomed to achieving superior performance levels through teamwork, loyalty to one another, ingrained discipline, and personal initiative. The backgrounds of our employees permit them to use maturity, sound judgment, discretion, and self-discipline in the performance of their tasks. Commissionaires are honest, hardworking, reliable, dependable, dedicated and serve their clients with a commitment that is seldom equaled. In addition, our members possess a wide range of technical skills that can be employed to the benefit of our clients.

3. Experience in Municipal By-Law Services

On a national basis, the Commissionaires have a long and distinguished record in the provision of bylaw enforcement and parking control officers. Major Canadian cities including Victoria, Edmonton, Calgary, Saskatoon, Winnipeg, London and Halifax as well as a wide range of smaller communities are currently using Commissionaires to perform parking bylaw enforcement duties. Over the years, members of the Corps have received a large number of commendations from civic officials and police departments for outstanding service to their communities.

The Hamilton Division of the Commissionaires is currently performing parking bylaw enforcement/parking control services in the cities of Cambridge, Burlington, Guelph, Niagara Falls, St Catherines and Hamilton (including the former Stoney Creek and Flamborough municipalities). All of these contracts have been in place for many years and are reviewed and renewed annually by the respective city councils.

As a result of the many years of experience gained on these contracts the Corps has developed expertise in the selection, training, motivation, supervision and monitoring of parking control officers. We have a full understanding of the various aspects of the tasks involved including complete knowledge of the applicable provincial legislation and pertinent municipal bylaws. Our officers are skilled in the rational and fair application of bylaws and municipal regulations. They understand the necessity for absolute accuracy in preparing parking infraction notices and the requirement for thorough note taking to back up their decisions. Because of this emphasis on accuracy, detail and an understanding of the rules of evidence coupled with their professional demeanor, Commissionaires command credibility in court and reflect well on the City.

As the incumbent Parking Control Officers in the City of Hamilton, the Commissionaires have a thorough knowledge of the laws and procedures in use by the City. They are skilled in the production of manual ticket issuing procedures. They are well versed in the nuances and local interpretations of certain situations regarding parking that recur in the City. Because of their long association with the City of Hamilton, the Commissionaires have become a major source of corporate knowledge regarding parking issues and thus are able to provide well reasoned advice if and when requested.

Of primary importance is our understanding of the public relations aspect of parking enforcement activities. Commissionaires understand that it is imperative that they are polite, helpful, and even tempered when dealing with members of the public. They understand that they are in effect ambassadors for the City and as such must always act in a professional courteous manner towards everyone they meet. Over the years, Commissionaires have been able to strike the proper balance between productivity (which affects revenues to the City) and customer service (which reflects well on the City Administration). It is this ability to perform a demanding task under adverse conditions in a mature, discrete, and impartial manner that makes the Commissionaires second to none as parking control officers.

4. ISO Certification

The Corps' commitment to the provision of high quality services to our Clients has been further enhanced by our certification to the ISO 9002 standard in late 1999. Our customer service and training processes and standards are audited every six months by an independent firm (BSI) to verify that we are delivering what we promise. Recent audit reports are available for review if requested.

5. References

The following individuals may be contacted to verify the quality of service provided by the Commissionaires performing parking control and bylaw enforcement services in their communities:

Mr. Bill Young
Traffic Department
Corporation of the City of Hamilton
City Hall
Hamilton, Ontario, L8P 4Y5
905-546-2469

Mr. Dave Maidment
Assistant Coordinator of Traffic and Parking
Corporation of the City of Cambridge
Engineering and Public Works Department
P.O. Box 669
Cambridge, Ontario, N1R 5W8
519-740-4682 ext. 4548

Mr. Scott Gillner
Manager of Parking and Traffic Signal System
Corporation of the City of Burlington
P.O. Box 5013
Burlington, Ontario, L7R 3Z6
905-335-7600 ext. 7691

6. Use of Information and Private Investigators

The Corps acknowledges that all information provided by or obtained through employment with the city of Hamilton must be treated in strictest confidence. All Commissionaires swear and sign an oath upon enrollment which includes the phrase "...I will not, without due authority in that behalf, disclose or make known any matter or thing which comes to my knowledge by reason of such employment."

The Corps hereby certifies that it does not employ private investigators.

7. Services Offered

The Corps agrees to provide the following services under the terms of the proposed agreement:

a. Provide well trained uniformed parking control officers in sufficient quantity to accomplish all tasks defined in the Contract. Personnel shall be provided at the times and locations as determined by the City in accordance with the schedule provided on Page PD1, para 2 of the Contract. Sufficient trained staff shall be provided to allow for vacations, sick days etc. In addition to the duties specified on Page PD 1, para 5 of the Contract, while on duty, the officers shall:

   i. Provide first aid and other emergency relief services as and when required.

   ii. Act as ambassadors for the City keeping in mind the large number of visitors to the City. Commissionaires shall at all times be courteous, diplomatic and respectful to everyone they come in contact with. Maintaining the reputation and image of the City shall be a paramount concern.

   iii. Maintain effective public relations by providing information and assistance to City residents, staff and visitors in a polite and helpful manner. Commissionaires shall at all times be neatly dressed and groomed and act in a professional manner so as to bring credit to the City.

   iv. Immediately inform City staff of unusual conditions or situations as directed by Post Orders and other instructions that may from time-to-time be issued by the City.

   v. Complete an incident report detailing the circumstances, actions taken and sequence of events whenever a serious situation affecting the safety of individuals or property occurs, or when requested by the City.

b. Ensure that all officers assigned to the client are suitable for the task, and have been properly trained for their assigned duties. Personnel will be properly security cleared by the Federal government which includes a background criminal check based on fingerprints. All personnel assigned to a driver's position will have a valid driver's license and will be required to provide a driver's abstract for review by City staff as required.

   If, within 90 days from the start of any individual Commissionaire's assignment, the City finds them unsuitable, the Corps shall, upon notification, at once remove and replace them. Such request may be made by telephone but shall be followed up in writing giving the reasons for the decision to remove the individual. After 90 days, the

City shall report any unsatisfactory performance to the Corps who will undertake an investigation of the situation within 48 hours, determine any disciplinary action required within the guidelines of the Ontario Employment Standards Act, and advise the Client of the action taken. Officers may be placed on suspension pending the outcome of an investigation. Note that in an emergency a member of the Corps office is on call on a 24/7 basis.

c. Provide detailed schedules, duty rosters and work assignments to ensure all tasks are carried out effectively. The Corps Office reserves the right to schedule its members' work in the manner that it feels best suits the operational effectiveness of the detachment while fully meeting the Client's requirements for coverage.

d. Keep detailed records of all Parking infraction notices issued, their disposition, complaints received etc. and assist the City in the analysis and interpretation of these records. Provide well reasoned and researched advice to City staff in a timely manner on matters related to parking control if and when requested

e. Provide access to an on-call member of the Corps Office on a 24/7 basis to deal with complaints and situations requiring immediate action.

f. The Corps Office shall make periodic visits (at least quarterly) to the City to ensure that Corps standards are being maintained and that performance standards and Client expectations are being met. Visit times will be co-ordinated in advance with City staff. The results of these visits/inspections shall be documented and maintained by the Corps Office for review by the City if requested.

7. Attendance at Court

The Corps is fully cognizant of the problems associated with non-appearance in court by parking control officers. This leads to embarrassment and lost revenue for the City. The Corps acknowledges its responsibility to ensure that its members appear in court when scheduled and therefore proposes the following:

Should a Commissionaire, having been given proper notice by the City, fail to appear in court when scheduled, then the Corps shall be responsible for reimbursing the City for revenue lost. Exceptions may be made at the City's discretion in the event of sudden illness, family emergency or other events over which the Corps has limited control.

The Corps has no legal means of controlling the actions of individuals who are no longer in its employ and therefore can not take responsibility for lost revenue arising from their failure to appear in court. The Corps will, however, assist the City in contacting its former employees and advising them of their scheduled court dates.

8. Training

The Commissionaires firmly believe that training is one of the key elements that differentiate our members from our competitors. Individuals who understand what is expected and who have been properly trained in their duties tend to be better motivated and better performers. Training is conducted under the auspices of the Corps National Training Plan and the ISO Quality Assurance Program. As a result of this philosophy, the Corps expends a large proportion of its resources on training.

The Corps proposes to provide its members assigned to the City of Hamilton with the following types of training.

a. Basic Training The Corps, at its cost, shall ensure that all Commissionaires assigned to the Client are trained under the Commissionaires Qualifying Course, an equivalent to 40 hour course certified by the Canadian General Standards Board as meeting Standard CGSB 133.1-87 for training of uniformed guards. Such training is subject to periodic audits by the National Office of the Corps of Commissionaires to ensure that standards of instruction are being maintained. The most recent such audit was conducted in February 2002 and a copy of the report is available for review upon request.

While designed primarily for the training of security guards, this course contains much useful information including code of conduct, note taking, report writing, appearance in court, basic law, health and safety etc.

b. Supervisors Training Supervisors receive advanced training, to Standards Board level CGSB 133.2-92, on an intensive 10 day course conducted by the National Office of the Commissionaires at the NavCan training center in Cornwall, Ontario.

c. First-Aid The Corps shall, at its cost, train all Commissionaires assigned to the City in Emergency First Aid (with CPR) to the St. John Ambulance standard.

d. Non Violent Crisis Intervention The Corps has recently trained two instructors in a nationally recognized program called Talk Techniques that provides practical instruction in dealing with irate individuals in a manner that tends to de-escalate confrontational situations. This training is a valuable addition to our ongoing attempts to improve public relations.

e. Initial On-job Training It is our ability to take new members, quickly assimilate them into a work-site, provide them with the knowledge they require to be proficient, pass on the accumulated wisdom of those who have gone before, and instill in them the Corps' work ethic that truly distinguishes The Commissionaires from any other security firm. It is this on-going process that ensures our clients receive the highest caliber service.

   Newly assigned officers undergo an intensive period of training in all aspects of parking control operations under the personal supervision and guidance of the Detachment Commander. This training emphasizes not only the legal and mechanical aspects of parking enforcement but also the requirements for good public relations and the expected standard of behaviour when dealing with the public. Only those officers who display both the aptitude and the correct attitude for bylaw enforcement duties are accepted as members of the team.

   The Corps proposes to formalize this on-job training by preparing a detailed course outline for approval by the City and conducting a short written test to verify that new officers have understood the essential elements of the work to be performed.

f. On-going Training On-going training is an integral part of an officer's development and permits them to perform to the best of their ability. To this end, regular daily and weekly meetings will be held with the officers to bring them up to date on changes to bylaws and other information required to perform their duties. These sessions also reinforce points made earlier and allow the officers to raise concerns and discuss common approaches to problems. This leads to a better working relationship for all parties concerned.

   One area that is given particular prominence is "Court". The proper methods of giving testimony, court protocol, presenting evidence, responding to questions from the bench etc. are gone over as well as a review of the tickets that are going to be contested. This makes for a much more professional presentation on the part of the officers and reflects well on the City as prosecutor.

   Another primary area of review is public relations which the Corps views as a very important aspect of the job. Proper behaviour and means of defusing situations are stressed. Individual Commissionaires are counseled on means of improving their performance in this area.

The relatively few complaints received from the public in relation to the large volume of parking infraction notices issued is a testament to the professionalism of our officers.

g. Special Training _Special training includes any courses required to comply with Provincial law such as IAPA Accident Investigation training and certification of members of the Joint Health and Safety Committee. This training is provided at no cost to the City.

9. Price

a. Corps Philosophy: The Corps cannot justify the use of low-wage and minimally trained employees in a demanding and high profile environment such as parking control/bylaw enforcement. Low wages lead to individual lack of interest and commitment and a resultant high degree of personnel turn-over. Poorly motivated individuals tend to have more confrontations with and complaints from the public and high turnover leads to problems with court attendance. They also tend to have lower productivity and make more mistakes. The end result is embarrassment and lost revenue to the Client.

Paying a fair wage reduces performance problems and client complaints, decreases training and orientation costs, and improves our ability to attract and retain high caliber individuals. The billing rates quoted in this proposal reflect this philosophy. They also reflect existing wage rates in our other bylaw detachments and at other Corps locations in the Hamilton area. As a not-for-profit organization, the Corps pays a minimum of 80% of every dollar billed to the client back to its members in wages. Our administration fee remains one of the lowest in the industry.

b. Firm Price: In accordance with the specification contained on Page IB2 "PRICE" of the Contract, the Canadian Corps of Commissionaires – Hamilton hereby confirms that the prices stated are firm for the balance of 2002 and a twelve month period ending December 31, 2003.

c. Rates: In accordance with the instruction on Page IB2 of the RFP, the Corps' proposed rates for the work to be performed are given on the attached Form of Tender. Goods and Services Tax of 7% will be added to the billing rates and shown separately on all invoices.

11. Client Furnished Equipment

All equipment provided to the Corps by The City in support of the parking control services contract will be catalogued and signed for with a record maintained by the Corps. Corps members shall be thoroughly trained in the operation of any such equipment so as to minimize the probability of inadvertent damage and shall take any necessary precautions to prevent accidental damage to City owned equipment. Any equipment damaged as a result of negligence or misuse by a Commissionaire shall be replaced/repaired at Corps expense. Any malfunction or other problem with City owned equipment will be immediately reported to the appropriate City representative for maintenance action.

12. Uniforms

All Commissionaires assigned to the City shall wear the standard Corps uniform while on duty. The basic uniform consists of a light blue shirt, black tie, navy trousers, black shoes and blue stetson style hat. Sweaters, jackets and parkas are also available for outdoor wear. Other markings as directed by the City shall be provided on all outerwear. Uniforms shall be maintained in a neat and tidy condition at all times so as to bring credit to the Corps and the Client.

13, Insurance

The Corps maintains and will continue to maintain the following insurance coverage applicable to the work to be performed. (Note that as an existing client of the Corps, The City is already named as an additional insured on these policies.)

a. $5,000,000 Commercial General Liability Insurance, protecting our clients;

b. $5,000,000 Non-Owned Automobile Liability Insurance, protecting our clients;

c. Employee Dishonesty Insurance bonding each Commissionaire for $50,000. and,

d. $20,000,000 Umbrella Liability Insurance riding on top of the above coverages.

A Certificate of Insurance indicating the above coverages is attached. These policies are renewed annually on 1 April.

14. Workplace Safety and Insurance Board Certificate

The members of the Corps are covered by WSIB in the event of injury sustained while on duty. We are in good standing with WSIB and have attached a copy of a recently issued certificate to that effect.

15. Corps as Employer

Commissionaires assigned to The City remain the employees of the Corps and are subject to Corps rules and regulations for dress and deportment. A Copy of Corps Policies and Procedures will be maintained at City Hall for review by City staff whenever required. The Corps remains responsible for pay, shift scheduling, supervision, discipline, vacations etc. The City shall observe the same precautions for the safety of the Commissionaires while on duty as it is obliged to provide to its own employees under the Ontario Occupational Health and Safety Act.

The Corps accepts the normal responsibilities of an employer and all other administrative details in connection with an employee, including but not limited to:

a. Employer's portion of Employment Insurance premiums;

b. Employer's portion of Canada Pension Plan contributions;

c. Employer's Health Tax;

d. Workplace Safety and Insurance Board assessment;

e. Vacation Pay in accordance with the terms of the Employment Standards Act of Ontario; and,

f. Replacement in the event of absence due to illness, holidays etc.

16. Employee Turnover

The Corps believes in treating its members with dignity and respect. Fair and equitable human resources practices create loyalty to the organization and to each other. Because of its stringent hiring requirements, the Corps is able to provide its members with employment in an atmosphere that encourages commitment and dedication. As a result of the Corp's wage and benefit policies, fair employment practices and commitment to training, we experience one of the lowest staff turnover rates in the industry. Company wide the Corps experiences between 20 and 25 percent turnover on an annual basis. A good portion of this turnover has been due to age related retirements.

ATTACHMENTS:

A. City of Hamilton Addendum #1

B. City of Hamilton Form of Tender

C. Certificate of Insurance from Marsh Canada

D. WSIB Clearance Certificate

APPENDIX "A" TO REPORT FCS03027

CITY OF HAMILTON
HOURLY BILLING RATES
01 JANUARY TO 31 DECEMBER 2003

The per hour billing rates for enforcement personnel provided under this Agreement for 2003 will be: The GST (7%) shall be added to the billing rate.

	Regular Rate	Overtime Rate	Statutory Holiday (Worked)	Statutory Holiday (Not Worked)
Working Supervisor	$16.90	25.35	$42.25	$16.90
Enforcement Officer (Foot)	$13.38	$20.07	$33.45	$13.38
Enforcement Officer (Mobile)	$14.15	$21.22	$35.38	$14.15

Effective 01 January 2004 to 31 December billing rates will increase 1% per annum. The GST (7%) shall be added to the billing rate.

SECTION 11

SECTION 12

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

12.1

PLANNING AND DEVELOPMENT DEPARTMENT
Downtown Renewal Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date: **File:**	February 14, 2003 1400-2	**Prepared by:**	Ron Marini, Ext. 4178 James Goodram, Ext. 6109

SUBJECT: **Our Downtowns and BIAs – 2002 Annual Report and 2003 Downtown Renewal Division Work Plan (PD03042) (City Wide)**

RECOMMENDATION:

That Report PD03042 – "Our Downtowns and BIAs – 2002 Annual Report and 2003 Downtown Renewal Division Work Plan" be received for information and that the relevant contents be made available through appropriate municipally-generated publications.

Lee Ann Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

Report PD03042 summarizes events, undertakings and developments that occurred during 2002 in our city downtowns as well as in the City's eleven (11) Business Improvement Areas (BIAs). The report also outlines the Downtown Renewal Division's accomplishments during 2002 and lays out the Division's 2003 work plan. The information contained within this report will be used to create municipally-generated publications.

BACKGROUND:

The Downtown Renewal Division's objective is to foster excellence in development and to promote the rehabilitation and development of properties in the various downtowns of our community. The Division acts as a single point of contact for all Downtown matters. The Division's focus is geographically based as it is responsible for the Downtowns of the City and eleven (11) Business Improvement Areas of the City. Last year at this time, the Downtown Renewal Division presented Council with its first annual report. The

Division is not only committed to keeping Council apprised of Downtown and BIA developments as they present themselves, but also to summarize these developments on an annual basis. The Division also wishes Council to review the previous year's accomplishments and examine the Division's current work plan. The following narrative relates to what work the Downtown Renewal Division was involved in over the past year and what work the Division aims to accomplish over the next year.

2002 INITIATIVES AND ACCOMPLISHMENTS

While the Downtown Renewal Division spearheaded many successful undertakings in 2002, these accomplishments were not achieved in isolation. For the most part, the successful conclusion of issues resulted because of support and participation of various City Departments. The Downtown Renewal Division recognizes that Downtown issues are complex and are a delicate interplay of a variety of forces therefore requiring an interdisciplinary approach. In this regard, committees such as the Downtown West Harbourfront Co-ordinating Committee continued their work to co-ordinate municipal efforts.

The Long Range Planning and Design Division of the Planning and Development Department was successful in obtaining Provincial approval of the Hamilton Downtown Secondary Plan. Furthermore, the Long Range Planning and Design Division, together with the Transportation, Operations and Environment Department received the "2002 Excellence in Planning" Award from the Ontario Professional Planners Institute. The award was given in the category of Urban/Community Design for the Downtown Secondary Plan and the Downtown Transportation Master Plan. These plans constitute the framework necessary to guide new development in Downtown Hamilton and will continue to serve as a guide for public and private sector decision making.

Work continued within Downtown Dundas on the Hatt Street Urban Design study. The original design charette took place in September of 2001 to solicit ideas from the public on the future of Hatt Street. In February of 2002, staff held an Open House to allow the public to review and comment on the preliminary vision for Hatt Street. Staff continues to work on the plan for this street which will incorporate design and transportation elements based on citizen input. A February 2003 final review of the proposed plan has been completed and a report will be presented to Committee in the first quarter (Q1) of 2003.

The Downtown Renewal Division issued three (3) Requests for Proposals (RFPs) in December of 2002. Two (2) of these RFPs were for the sale and redevelopment of two (2) downtown properties, one for 87-89 King Street East known as the "Kit Kat Building" and the other for 171 Main Street East which is being used as a parking lot. The third RFP is for the allocation of up to $7.5 million under the Hamilton Downtown Residential Loan Program. These RFPs will close in Q1, 2003 and recommendations to Council will follow.

The Downtown Renewal Division supported the City's eleven (11) Business Improvement Areas along with the Ancaster Village Core Advisory Committee. During 2002, Commercial Assessments were prepared for (five) 5 BIAs and will be forwarded to Council for their review shortly. The BIA assessments were completed for Concession Street, Dundas, Ottawa Street, Waterdown and Westdale. Again, reports concerning the completed assessments will be prepared in Q1, 2003 for presentation to Committee and Council. In addition to the foregoing, Downtown Renewal staff, led by Hazel Milsome, supported the BIA umbrella group known as the Hamilton Association of Business Improvement Areas. Meeting on a monthly basis and chaired by Councillor Collins, the HABIA meetings serve as an efficient forum for information sharing among BIAs and present an opportunity to focus on issues of common concern.

In March, the Ontario Business Improvement Area Association (O.B.I.A.A.) hosted its 1st Annual Conference in Hamilton at the Royal Connaught Hotel. The Downtown Renewal Division was the Conference's major sponsor and the Hamilton Association of Business Improvement Areas (H.A.B.I.A.) sponsored the Gala Dinner. Downtown Renewal Division staff spoke at the Conference on how the City of Hamilton uses legislation under the Planning Act to create and offer loans and grants. Approximately 300 delegates attended the two-day event.

Staff from Downtown Renewal and the Small Business Enterprise Centre, along with the assistance of Mary Pocius, Executive Director of the International Village Business Improvement Area, organized the Business to Better Business Seminar in October. The event's program included keynote speakers Nick Markettos, Senior Advisor, Office of the Vice-President, (Research and International Affairs) speaking on "Hamilton's Biotech Incubator-A New Catalyst for Growth", and Marguerite Zimmerman, President of Zimmerman and Associates, speaking on "How to sell yourself…Better!". Approximately 320 people attended the event.

The Downtown Renewal Division co-ordinated the 2002 Property of Excellence Awards, an awards program designed to recognize the vital contributions individual property and business owners make to their local community through the continual upkeep and beautification of their buildings within Hamilton's Business Improvement Areas. The program culminated in a sparkling awards presentation at City Council in November. Winners from the participating BIAs were: Beira Litoral Café & Restaurant from the Barton Village BIA; Inmar Co. Ltd. (La Costa and Rude Native Building) from the Downtown Hamilton BIA; Booth Furniture & Interiors Ltd. from the Dundas BIA; Junction Café & Lounge from the International Village BIA; Cuts are Us from the Ottawa Street BIA; The Snooty Fox from the Westdale Village BIA; and, finally, the Junction Café & Lounge won the overall City of Hamilton award.

In 2002, work on the Downtown Database project was finally completed. The information collected in 2001 on each property within the Downtown Community Improvement Project Area was updated during the summer months. Property information includes: owner name, address, occupancy status (vacant or occupied), business name along with a single photo or multiple photos of the property. This database of information will form a part of a larger Economic Development initiative that will be launched in 2003. Ultimately, it is intended that this information be used as a basic tool to allow the Industrial, Commercial and Investment (ICI) Realtors to sell Downtown to the benefit of all.

The Downtown Renewal Division led a multi-disciplinary team comprising Planning and Development; Transportation, Operations and Environment, Community Services and Finance and Corporate Services Department staff to update a 10-Year Capital Budget Improvement Plan for Downtown Hamilton. This serves as a strategically-focused plan to spend public dollars to implement the public provisions of the Downtown Secondary Plan and the Downtown Transportation Master Plan. This plan is an implementation feature that Council uses to direct downtown improvement and investment.

The Long Range Planning and Design Division led a mobility street improvement plan exercise for sections of Bay, James, John, Hunter, Cannon, Hughson and King William Streets. This work involves the participation of Downtown Renewal Division staff. Designs for Bay Street are the most advanced since the improvements are scheduled for completion ahead of the World Cycling Championships and the opening of the new Federal Building in 2003 (pending Superbuild funding). Preliminary design concepts depicting wider sidewalks, additional trees and safer intersections are among the improvements that were illustrated in full-colour drawings at an open house June 25, 2002. Work continues on these plans.

The Downtown Renewal Division worked with the Economic Development Department in the preparation of an Economic Strategy for Downtown which has formed an important piece of the City's overall Economic Strategy.

2002 INITIATIVES AND ACCOMPLISHMENTS: DOWNTOWN/BIA PROGRAMS

Loans and Grants

The Downtown Renewal Division, in co-operation with various City staff, reviewed and re-assessed the loans and grants programs.

In summary, the refocused loans and grants programs have been redesigned to encourage the development of Downtown properties, the creation of new housing on a sustainable basis in Downtown Hamilton, and the upgrading of commercial properties within the eleven (11) Business Improvement Areas of the City of Hamilton. The Downtown Renewal Division staff made over 600 contacts and meetings with property owners and potential developers in relation to these programs.

The following represents a summary of major program and policy initiatives of the Downtown Renewal Division in 2002. The Division spent a considerable amount of the year refining and seeking the public's and development community's input relative to the creation and delivery of the following programs.

Enterprise Zone - Municipal Realty Incentive Grant Program

The intent of the Enterprise Zone Municipal Realty Tax Incentive Grant Program is to provide an economic catalyst for developing, redeveloping or renovating residential/commercial lands and buildings located within the Enterprise Zone.

This program authorizes for each approved grant application, a nine (9) year grant, the amount of which is subject to Council approval, in an amount not exceeding the increase in municipal realty taxes as a direct result of the development/redevelopment of the land and/or building. The grant which may be approved by Council shall be an amount which does not exceed 100% of the municipal realty tax increase during the first 5 years, 80% in year 6, 60% in year 7, 40% in year 8, and 20% in year 9. For purposes of determining the eligible amount of the increase in municipal realty taxes, special charges including B.I.A. levies shall be excluded from the calculation. The grant would reduce the effect of an increase in municipal (City portion only) realty taxes attributable to the differential between the pre-renovation assessment and the post renovation assessment.

Downtown Renewal Division staff implemented 3 (three) amendments to the program in 2002. The original program applied to 181 properties within the original boundaries of the Downtown Hamilton BIA and the International Village BIA. The BIA boundaries expanded in 2002 and as such the Enterprise Zone was amended so its boundaries mirrored those of the BIAs, thus encompassing 260 properties. Later in 2002, the program boundaries were expanded once more to the full limits of the Downtown Hamilton Community Improvement Project Area. This last expansion permits approximately 800 properties to be considered in this exciting program.

The third amendment and the truly groundbreaking and unique addition to the program is the provision for a limited assignment of the grant under the terms of the Program from a developer to the initial purchaser of each condominium unit within development projects jointly funded by the City under the terms of the Downtown Hamilton Residential Loan Program. The assignment of the grant does not apply to any subsequent re-sale of any such unit. The assigned grant shall be restricted to the balance of the five (5) year term running from the re-assessment date following the date of the registration of the condominium, and should be equal to 100% of the municipal realty tax increase resulting from the development or re-development of the property, calculated on a rateable per unit basis.

The Enterprise Zone Municipal Realty Tax Incentive Grant Program will be instrumental in providing an effective incentive for development and redevelopment initiatives within the Downtown core area. Six (6) property owners have made application under the terms of the program in 2002. The Downtown Renewal Division should be consulted for all the terms and conditions of the program and the foregoing was a brief summary of the program.

Enterprise Zone Application 25 Hughson Street

Hamilton Downtown Residential Loan Program

The Hamilton Downtown Residential Loan Program underwent a major overhaul in 2002. Downtown Renewal Division staff, together with a solicitor with an extensive corporate lending background, Finance Division staff and a group of key community developers worked over a number of months on the revised terms which were approved by Council in September 2002.

The new program saves taxpayers almost $1 million in interests costs, doubles the potential number of new residential units, allows for a wider range of prospective developers and projects and meets its objectives in half the time period. The development industry is supportive of the revised program.

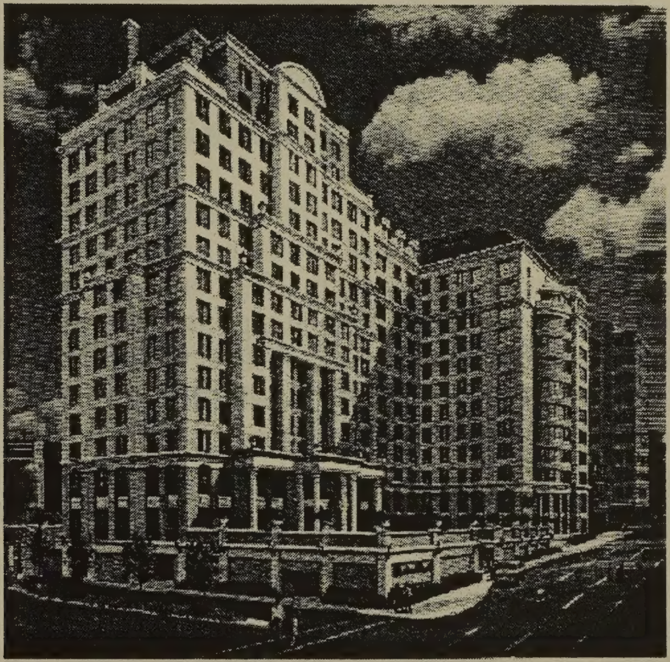
The Hamilton Downtown Residential Loan Program provides a financial incentive to developers to assist with the costs of converting commercial space into apartments, construction of new apartments and assistance in the renovation of existing residential units. The program is also intended to provide assistance towards the costs of creating new residential units on vacant land.

Eligible existing buildings/vacant properties must be located in the Downtown Hamilton Community Improvement Project Area. Only class C/D commercial buildings with a pre-existing annual vacancy of not less than 20% are eligible. Vacant lands include properties developed as parking lots.

Acting as a lender, the City provides financial support for the program and ensures that development arising from the program within the Downtown is consistent with the principles and design themes contained within the Downtown Hamilton Secondary Plan.

The loan has been revised as an interest free loan for a maximum term of five (5) years and the principal is repayable in annual amounts of ten (10) percent, in twelve (12) equal monthly payments, of the original loan amount. Payments will commence one (1) year following completion of construction. The balance outstanding will be paid by a balloon payment at the end of the five year term. The available loan is calculated on the basis of a maximum of $20 per square foot of habitable floor space.

Interest for the program has resulted in the available $10 million dollar line of credit being fully subscribed. The program has over 500 residential units committed for funding. A further potential $7.5 million line of credit may be available, of which $5 million was approved in 2002. A request for proposals has been issued in 2002 for developers wishing to take advantage of the program. The RFP is scheduled to close on February 14, 2003, following which funding recommendations will be made to Council.



Chateau Royale – 192 Units presently under construction

Business Improvement Area- Commercial Property Improvement Grant Program

Downtown Renewal Division staff responded to requests from members of the City's eleven (11) BIAs and revisited the terms of the Commercial Property Improvement Loan Program. Following a staff review and extensive BIA consultations, the program was changed to a grant program. Thus, the Business Improvement Area Commercial Property Improvement Grant Program was not only created but rolled out in 2002.

The grant program provides financial assistance for commercial property owners and owner-authorized tenants within the existing eleven (11) City-wide Business Improvement Areas (BIAs).

The program is designed to provide financial assistance for property owners/authorized tenants within each of the eleven (11) Business Improvement Areas across the entire City of Hamilton. The program aims to provide financial assistance for the improvement of the façades and entrance features of numerous commercial properties throughout the City. It is understood that smaller scale commercial activities contribute greatly to the economic vitality and health of the commercial sector within the City of Hamilton. This program seeks to build upon these successes, and to create long-lasting physical and aesthetic improvements to the assets of commercial property owners as defined by the Business Improvement Areas.

Under the terms of the program, grants are available to properties within the BIA's, through a request for funding application. Applicants can apply for up to $15,000 on a matching grant basis to be used for exterior and some limited interior improvements. Eligible improvements include upgrades to façades, work such as signage, lighting, architectural detailing and façade repair work. Up to $5,000 dollars can be used for interior work associated with the entrance to the commercial use and the display areas associated with the principal entrances.

The delivery of the 2002 program resulted in 25 applications of which 24 applications were approved by City Council. The approved grants represent $187,000 or approximately 43% of the total construction value of $433,000.

Open For Business

The Open for Business program was created in 1996 and was developed in an effort by Council to show that Hamilton was "Open For Business". It encouraged development in the Downtown Core by refunding planning application fees, building permit fees and parkland dedications. In 2002, over $400,000 in rebates were issued for developments in the Downtown Community Improvement Project area and for residential projects extending from the Bayfront to the escarpment. Approximately $1 million in rebates have been granted to developers for projects in the downtown core since its inception.

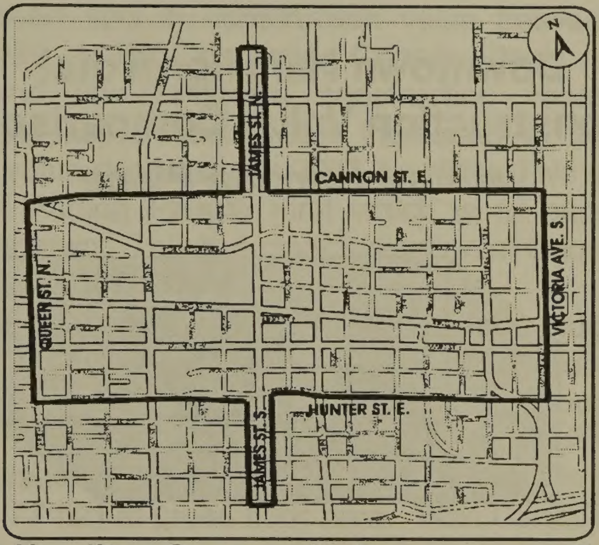
Clearly, the rebates issued to date under the terms of the program indicate that it was very successful and served its purpose in communicating that the City was "Open for Business". The program was concluded on December 31, 2002 and the funds previously allotted for this program will be allocated to the other innovative Downtown Renewal programs. To keep up the renewal momentum, the development charge exemption will continue under Hamilton's Development Charges By-law No. 99-118 which specifies that no Downtown projects will have to pay development charges.

2002 DOWNTOWN BUILDING ACTIVITY

2002 was an exciting year for construction activity in the various downtowns. Not only were new business ventures attracted to downtown Hamilton, but other developments were started in the area. The Downtown Renewal Division recorded the issuance of building permit results for Downtown Hamilton and other area Downtowns.

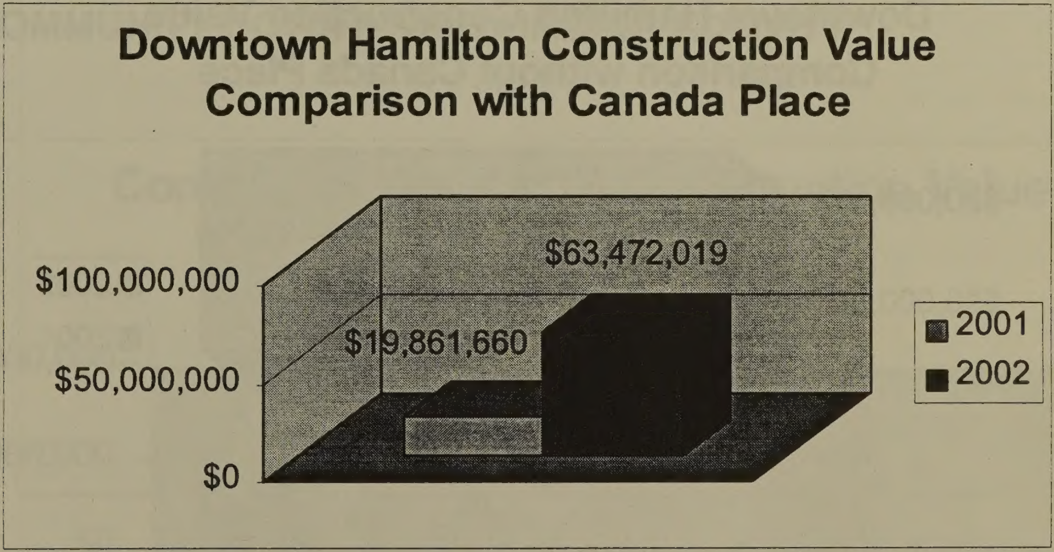
2002 Downtown Hamilton Building Activity

Building Activity statistics were collected for the Downtown Hamilton Community Improvement Project area. This area is bounded by Queen Street to the west, Victoria Street to the east, Cannon Street to the north, Hunter Street to the south and properties fronting onto James Street north to Liuna Station and south to Charlton Avenue.

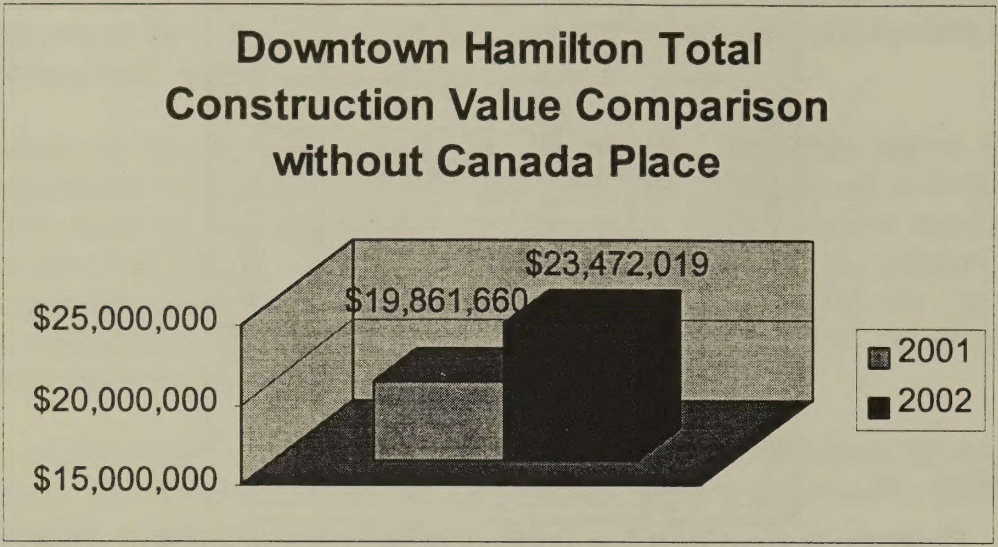


Downtown Hamilton Community Improvement Project Area

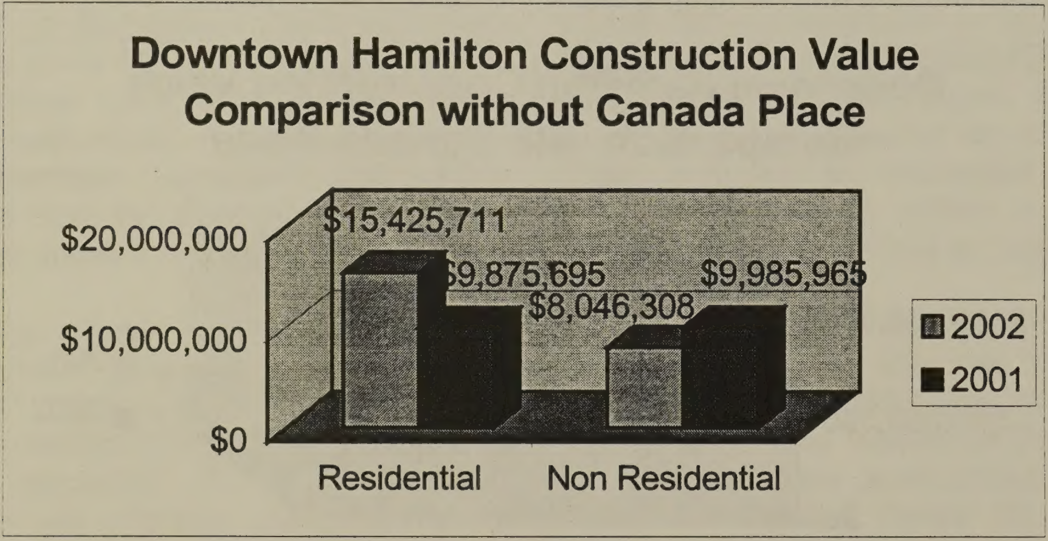
A total of 82 building permits, representing a value of $63,472,019, were issued within the Downtown in 2002 representing a 220% increase in construction value over 2001.

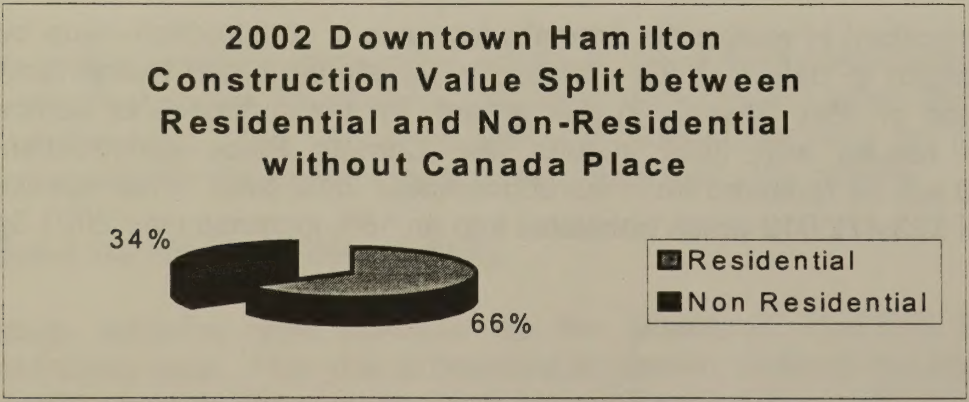


While it is important to realize the dramatic increase in construction value over 2001, it is also important to note that the increase is largely attributed to the construction of Canada Place on Bay Street. In this regard, for the purposes of comparing 2001 construction results with 2002 results, the Canada Place construction value of $40,000,000 will be removed from the above-noted 2002 total. This represents a new 2002 total of $23,472,019 which translates into an 18% increase over 2001 figures.


Downtown Hamilton Total Construction Value Comparison without Canada Place

The 2001/2002 split between residential permits and non-residential is as follows:

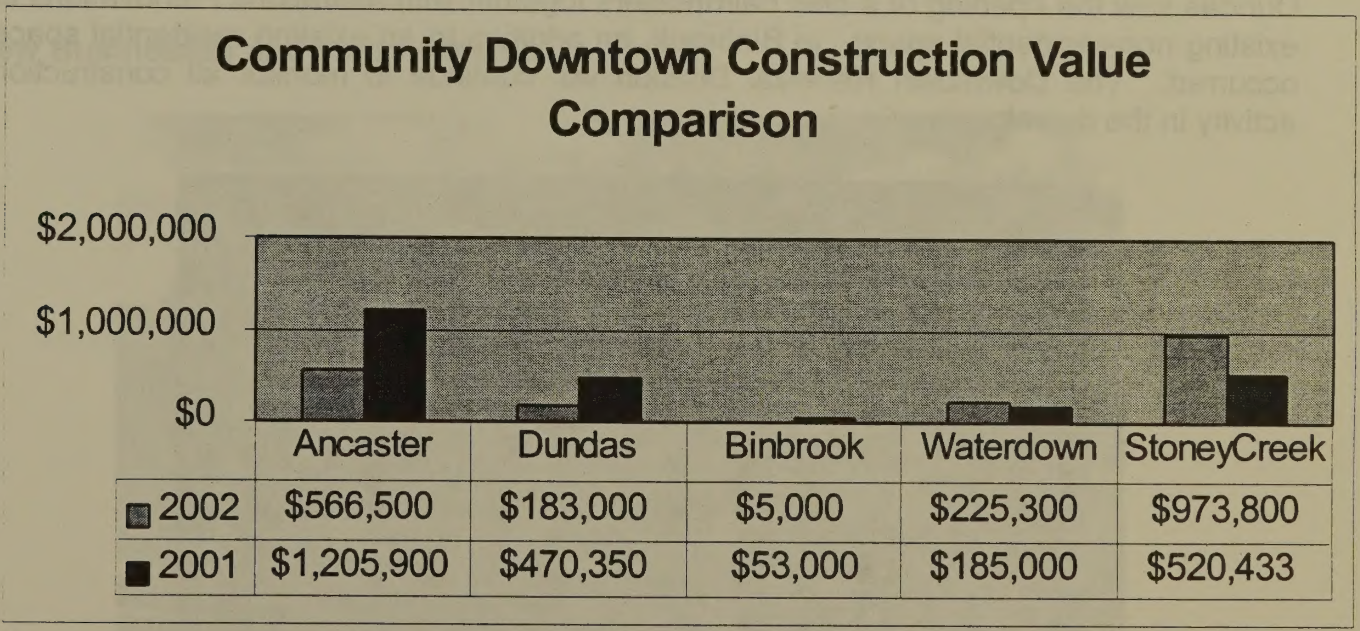

Downtown Hamilton Construction Value Comparison without Canada Place


2002 Downtown Hamilton Construction Value Split between Residential and Non-Residential without Canada Place

In 2001, we saw an even split in construction value between residential and non-residential building activity. In 2002 excluding Canada Place, as noted above, the split between residential and non-residential construction values is 66% and 34% respectively. Residential construction value increased in 2002 by 56% and non-residential construction value decreased in 2002 by 19%. This is a significant point as it reflects the strategy of Putting People First which is to encourage new residential opportunities in the Downtown. This is a clear indication of Council policy in action.

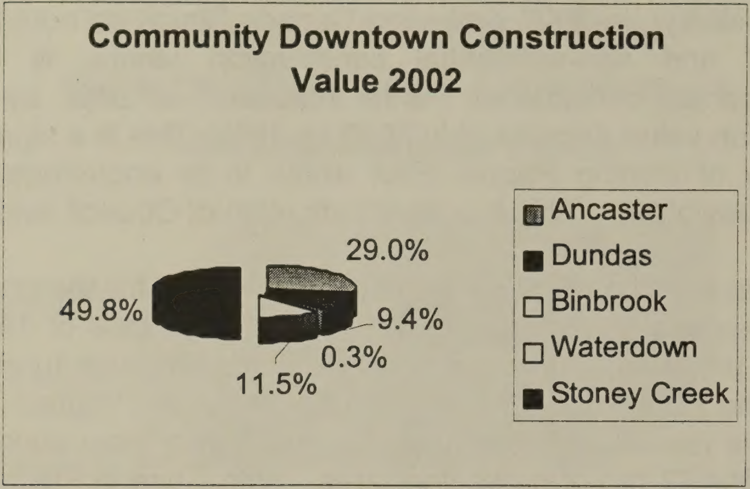
In 2002, in Downtown Hamilton building permits were issued for the construction of 214 dwelling units representing an increase of 42% over 2001's total of 151 dwelling units. Of these, 192 of the proposed units have been committed through funding from Council under the terms of the Hamilton Downtown Residential Loan Program. Non-residential building permits were issued for alterations / renovations / new construction for over 49,975.07 m2 (537,944.77 ft2) of gross floor area. With Canada Place taken out of the equation, permit gross floor area is recalculated to 13,348.07 m2 (143,682.13 ft2) representing an increase of 16.5 % over 2001 according to the Building and Licensing Division's records.

2002 COMMUNITY DOWNTOWN BUILDING ACTIVITY



	Ancaster	Dundas	Binbrook	Waterdown	StoneyCreek
▨ 2002	$566,500	$183,000	$5,000	$225,300	$973,800
■ 2001	$1,205,900	$470,350	$53,000	$185,000	$520,433

Community Downtowns had a total of 55 building permits issued in 2002.



The total construction value of the permits issued in the community Downtowns outside of the core Downtown of Hamilton in 2002 was $1,953,600 down 20% from 2001's total of $2,434,683. Stoney Creek's Downtown led the way with a total of $973,800 largely attributed to a new commercial use in which a Tim Horton restaurant is a tenant. A major construction project in Ancaster relates to an auto-related use and improvements to existing commercial space.

A new restaurant opened and an existing medical office was renovated in Waterdown. Dundas saw the opening of a new hairdressers together with alterations / renovations to existing non-residential space. In Binbrook, an addition to an existing residential space occurred. The Downtown Renewal Division will continue to monitor all construction activity in the downtowns.

33 King Street West Dundas – Office alterations

SUBWAY
LifestyleFITNESS

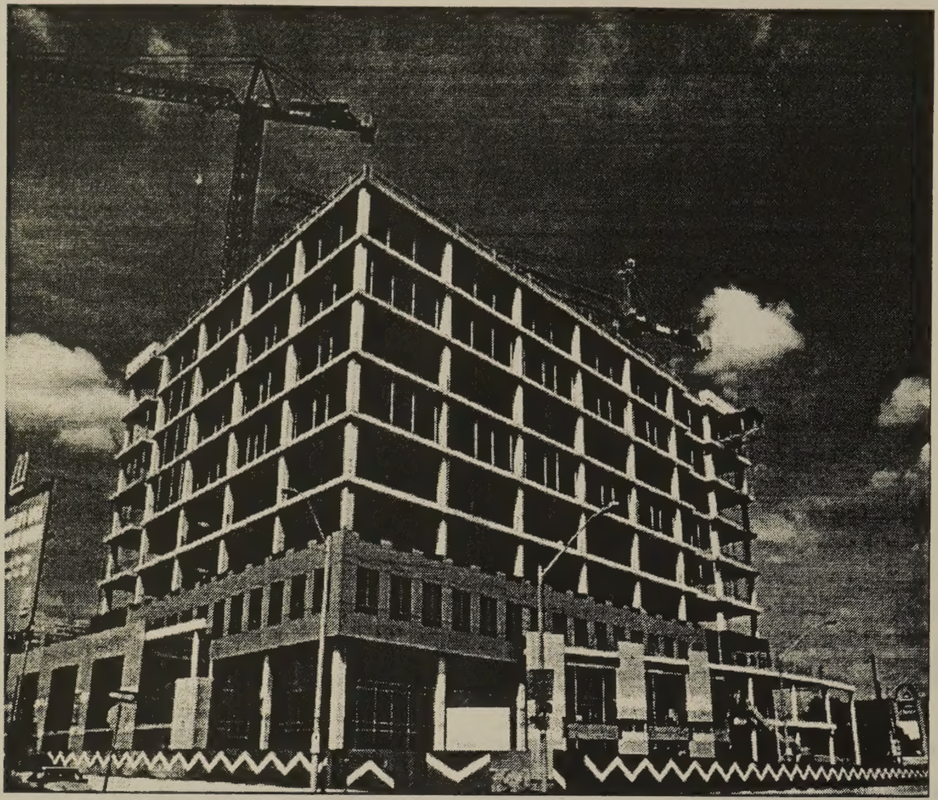
279 Dundas Street East, Waterdown – Renovations for Restaurant and Medical Offices

2002 DOWNTOWN SUCCESSES

A number of exciting events have occurred in Downtown Hamilton in 2002. The year marked the start of new business ventures, expanded businesses and the beginning and completion of various redevelopment projects.

New Businesses and Improvements:

Ferguson Station was completed at Ferguson Street and King Street East



Canada Place under construction on Bay Street

P
Up
Sundried Tomatoes

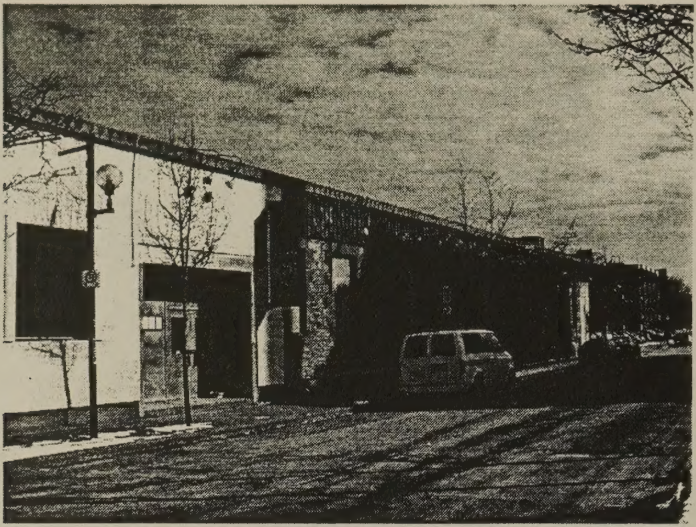
Up Conference Centre opened at 35 John Street South

Bistro Virgo opened on King William Street

LABOUR READY
Hamilton Internet Lounge

Hamilton Internet Café opened / Façade Improvements on John Street South

Teachers Credit Union renovations at James Street South and Jackson Street

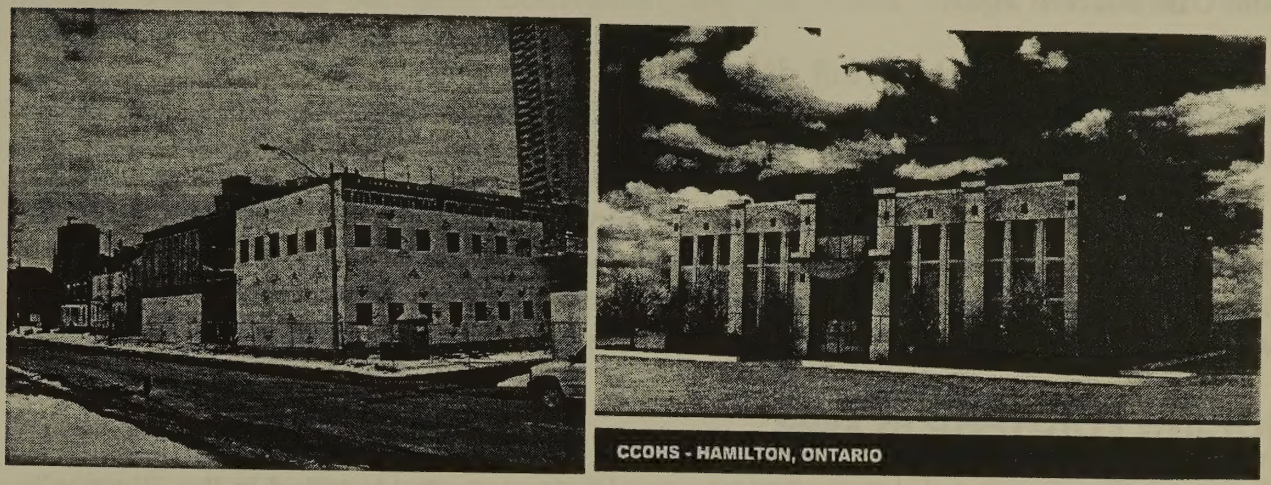


Club 77 was renovated on King William Street

XINTRA
COMPUTER COLLEGE

Xintra Computer College opened at James Street South and Main Street West

6 Residential Units constructed at 112 Wellington Avenue North



135 Hunter Street – Under construction and upon completion

Other Successes in 2002 included:

Construction was completed on two (2) projects funded under the terms of the Hamilton Downtown Residential Loan Program: 155 James Street South (90 units) and 100 Main Street East (35 units).

Construction of 192 units continued at the Chateau Royale at 135 James Street South and 12 units at 91 Wellington Street North. Both of these projects are funded under the terms of the Hamilton Downtown Residential Loan Program. Work has also continued on Canada Place on Bay Street North. A building permit was issued in November for the conversion of a funeral home on Cannon Street into eight (8) apartments.

London Life renewed its commitment to Downtown Hamilton by signing a new five-year lease and moving its Freedom 55 Financial centre in Hamilton to the heart of the City. The centre now occupies 9,500 square feet of office space on the sixth floor of the Stelco Office Tower located at 100 King Street West.

Bell Canada announced that it will continue its operation Downtown and relocate 550 employees and add an additional 100 employees. Their new central location will be in the Robert Thomson building.

- ***The Werx opened at 121 Hughson Street North***
- ***Acclamation Bar & Grill opened at 191 James Street North at Mulberry.***
- ***Dan Lawrie Insurance Brokers Limited expanded at 105 Main Street East***
- ***Turquoise Turkish Cuisine opened at 60 James Street North***
- ***Zig Zag Zebra Restaurant opened on King Street East***
- ***6 Residential Units were constructed at 62 Victoria Avenue South***
- ***1 Single Detached Dwelling at each of 116 and 118 West Avenue North were constructed***

Public Outreach in 2001

Downtown Renewal Division Staff delivered 15 presentations in 2002 regarding the Downtowns and BIAs across the City to the public stakeholder groups (CHAC), community groups, service clubs, schools and other municipalities. Some of these presentations included the Dundas Rotary AM and PM, a Ministry of Municipal Affairs and Housing Conference in York Region, a Ministry conference in Thunder Bay, Mohawk College and a Small Business Development Seminar. The Director of Downtown Renewal was interviewed in relation to the City of Hamilton, Downtowns and BIAs on Report On Business TV (ROBTV) in Toronto.

LOOKING FORWARD IN 2003

The Downtown Renewal Division completed 27 of 30 projects identified in the Division's 2002 Work program. Unfinished project will be carried forward and completed as part of the 2003 Work program.

The Downtown Renewal Division will lead the development of a new Downtown Zoning By-law and Downtown Development Permit System.

The Division will complete Urban Design plans for Westdale and Concession Street BIAs and submit for Council approval. These plans were a component of the Division's 2002 Work Plan but were held in abeyance pending Commercial Assessment results. Urban Design plans for Ottawa Street and Waterdown BIAs and a community Downtown will be completed this year together with block face designs for James Street North and South.

Commercial Assessments for the remaining six (6) BIAs will be conducted this year (pending Council budget approval) and the assessments that were completed last year will be forwarded to Council this year for their approval.

A principal focus of the Division will be on the continued delivery of the refined programs and communication. Over the year we intend to implement the Division's communications plan designed to "sell" the downtowns and the functions of the Downtown Renewal Division to the private sector and businesses.

Another focus will be to continue working as part of an inter-divisional team doing streetscape plans as indicated to Council in December 2001 as part of the 10 year Capital Improvement Plan for Downtown. We will also complete, with other City staff, the Hatt Street Urban Design Plan and an overall plan for Downtown Dundas. Working with the Heritage and Urban Design Section, we will participate in the development of plans for specific properties as required and for the Binbrook core. The Division will continue to co-ordinate the work of the Downtown West Harbourfront Co-ordinating Committee.

A significant component of the Division's work is focused on supporting BIAs and Advisory Committee's such as the Central Hamilton Advisory Committee (CHAC), the

Ancaster Village Core Advisory Committee, and the Hess Village Pedestrian Mall Authority. .

The Downtown Renewal Division is intended to serve as "one stop shopping" on Downtown applications. As such we will work with the Development Division on all Downtown applications.

The Downtown Renewal Division will participate in a strategy for increasing public safety in the Downtown this year. This task requires a multi-disciplinary approach and as such a working group composed of members from different City departments was formed in 2002 to tackle this issue.

The Downtown Renewal Division will administer another RFP for the Commercial Property Improvement Grant Program in March of 2003. Following this, the Division will develop a new loan program for BIAs. The program will be called the Business Improvement Area Residential Intensification Program and will be aimed at not only façade improvements but also for the creation of residential units.

CITY STRATEGIC COMMITMENT:

The information contained within Report PD03042 will aid in the promotion of the redevelopment of properties consistent with both the Downtown Secondary Plan and Vision 2020.

SUMMARY

2002 proved to be another exciting and productive year for the City of Hamilton's Downtowns and BIAs. Building permit activity was strong and indicates a continued re-investment in downtown properties. The Division will continue to work with Council, the public, organizations and other public departments to continue to rejuvenate the Downtowns and BIAs of our City.

JEG Lmm

AFFECTS
WARD 15

CITY OF HAMILTON

12.2

PLANNING AND DEVELOPMENT DEPARTMENT
Long Range Planning and Design Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager
Date: **File:**	February 14, 2003 ENV-NEC	**Prepared by:**	Peter De Iulio 905-643-1262 x345

SUBJECT: **Niagara Escarpment Plan Amendment No. 71 – Lands Affected within the former Town of Flamborough (PD03041) (Ward 15)**

RECOMMENDATION:

That City Council direct staff of the Legal Services Division and the Planning and Development Department to attend the Environmental Review Tribunal Hearing(s), in respect to Niagara Escarpment Plan Amendment No. 71, to defend the City's position to designate the lands "Urban" in the Niagara Escarpment Plan for the lands in the south-east portion of Waterdown, as shown on the attached map marked as Appendix "B" to Report PD03041.

LeeAnn Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

The Niagara Escarpment Commission (NEC) initiated Niagara Escarpment Plan Amendment No. 71 (NEPA #71); the purpose of which was to assume jurisdiction of lands designated "Escarpment Link" within the Parkway Belt West Plan (PBWP). There are several areas within the City that are impacted by this Amendment; however, the lands subject to Report PD03041 are located in the south-east quadrant of Waterdown (OPA #28) – see Appendix "A" to Report PD03041.

The NEC proposed that these lands be designated Escarpment "Natural" and "Protection" instead of "Urban". If these lands remain under the designations, as proposed by the NEC, then these lands cannot be developed for residential uses as contemplated by OPA #28.

NEPA #71 has been the subject of Environmental Review Tribunal prehearings in 2001; however, this matter only came to the City's attention in July 2002 after the Cabinet decision on OPA #28 was rendered. Since the Environmental Review Tribunal hearings are resuming, the City should ensure the above noted lands are designated appropriately in the Niagara Escarpment Plan and therefore, the City should be represented at the upcoming Environmental Review Tribunal hearings.

BACKGROUND:

1.0 Proposed Niagara Escarpment Plan Amendment No. 71

The NEC initiated Niagara Escarpment Plan Amendment No. 71 (NEPA #71); the purpose of which was to assume jurisdiction of lands designated "Escarpment Link" within the Parkway Belt West Plan (PBWP). There are several areas within the City that are impacted by this Amendment.

The former Town of Dundas, the Town of Flamborough, the City of Hamilton and the former Region of Hamilton-Wentworth provided comments to the NEC on the proposed NEPA #71. There are several areas within the City that are impacted by this Amendment; however, the Sheppard's Quarry (former Town of Flamborough) was the only parcel of land where there was a disagreement between the municipality and the NEC. The essence of the former Town of Flamborough's concern is that the NEC has included the table lands around the Quarry as "Protection" whereas they should be designated "Urban" consistent with Flamborough's planning documents.

1.1 Environmental Review Tribunal Prehearings for NEPA 71

In 2001, several prehearings of the Environmental Review Tribunal occurred and Legal Services and Planning and Development Department staff represented the City's concern with the designation of Sheppard's Quarry. However, the prehearings were suspended because of jurisdictional appeals that were launched by various appellants in the Burlington area. These appeals continue through the court process, but in the meantime, a further prehearing has been scheduled for February 27, 2003

2.0 Official Plan Amendment No.28 (Waterdown Urban Expansion)

In July 2002 (during the time the prehearings were suspended) OPA #28 – Waterdown Urban Expansion Area was approved by the Cabinet. The decision on OPA 28 was:

- to include new lands within the former Regional and Town of Flamborough Official Plan's urban boundary; and,
- to designate them for open space (exact limits to be defined through the preparation of a subwatershed plan) and residential purposes in the Flamborough OP (see map 2 on Appendix "B" to report PD03041).

As a result of this decision, the NEC sent a letter to Cabinet requesting clarification of lands in the south-east quadrant of the former Flamborough (see Map 1). The position of the NEC is the Cabinet decision did not address or remove these lands from the PBWP and therefore, the NEC should proceed to add these lands to the Niagara Escarpment Plan. In fact NEPA 71 proposes a combination of Escarpment "Natural" [1] and Escarpment "Protection" [2]. A portion of these NEC designations are more onerous than both the PBWP and the designations under OPA #28. The areas of conflict are identified in Appendix "C" to Report PD03041.

Table 1 – Designations for the affected lands

Parkway Belt West Plan	NEPA Designation	OPA 28 Designation
Open space (PBWP)	Natural	Open Space
no land use designation (PBWP)	Protection and Natural	Residential

Clearly, the NEP "Natural" and "Protection" designations, which constitute approximately (8 ha/20.4 acres) do not contemplate residential uses as envisioned by OPA #28. Therefore, these lands should be designated "Urban" in the NEP to allow the development of these lands for residential purposes. In addition, the lands that are designated "Natural" and "Protection" require a Development Permit from the NEC: zoning does not apply.

2.1 Environmental Review Tribunal Hearings

In light of the NEC's decision to pursue NEPA #71 for the Waterdown lands, the City should support the OPA #28 planning designations and request the lands designated as "Protection" and "Natural" be designated "Urban" (Map 2a) to allow residential and open space uses. Hamilton is actively pursuing the land use designation disagreement for Sheppard's quarry so this issue can be incorporated as part of the City's issues on NEPA #71.

ANALYSIS OF ALTERNATIVES:

Should the City not attend the hearing, the lands in the south-east quadrant of Waterdown will be included in the Niagara Escarpment Plan creating greater land use restrictions than what the former Town of Flamborough and Region envisioned by OPA #28, as approved by Cabinet.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

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[1] The objectives of the NEP Natural designation – maintain natural escarpment features, streams, valleys, wetlands, natural areas and associated cultural heritage features; compatible recreations, conservation and educational activities; maintain/enhance landscape quality of escarpment.

[2] The objectives of the NEP Protection designation – maintain/enhance landscape character of the escarpment; provide a buffer to escarpment features; maintain natural areas of regional and cultural heritage features and encourage agriculture, forestry and recreation.

Financial – It is estimated that five (5) working days of staff time will be required for one (1) representative from the Planning and Development Department and one (1) from Legal Services for preparation and attendance at the Environmental Review Tribunal Hearing. These costs are covered by the respective Departmental Work Programs/Budgets, therefore, no additional funds would be required.

Staffing – One (1) representative from the Planning and Development Department and one (1) from Legal Services would be required for preparation and attendance at the Environmental Review Tribunal Hearing.

Legal – No legal implications are expected.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Report has been circulated to the Legal Services Division.

CITY STRATEGIC COMMITMENT:

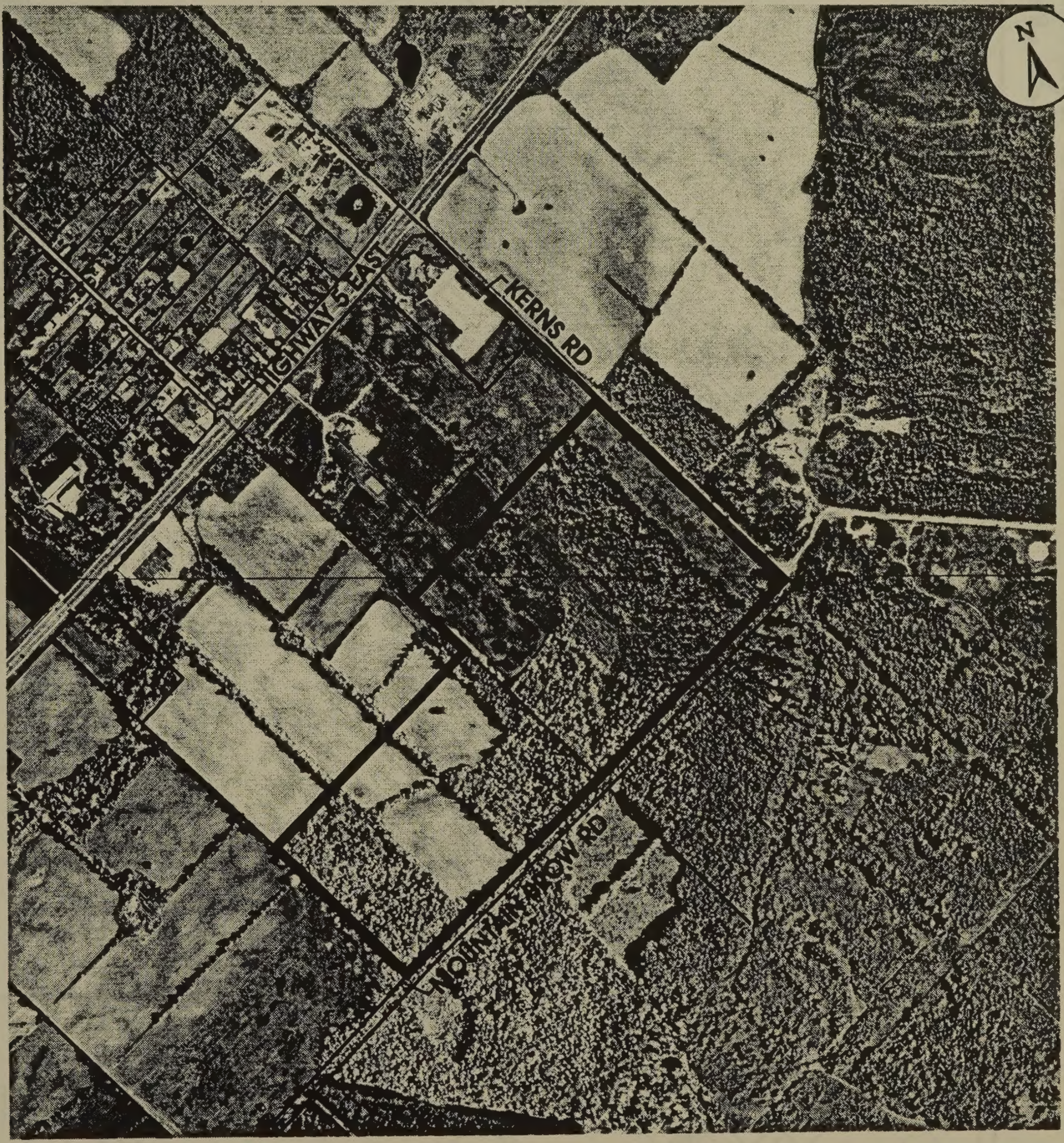
The original decision to include these lands with the urban boundary encompassed a public participation process.

CONCLUSION:

Based on the above, City Council should direct staff of the Legal Services Division and the Planning and Development Department to attend the Environmental Review Tribunal Hearing(s), in respect to Niagara Escarpment Plan Amendment No. 71, to support the City's position to designate the lands "Urban" in the Niagara Escarpment Plan for the lands in the south-east portion of Waterdown, as shown on the attached map marked as Appendix "B" to Report PD03041.

:pd
Attach. (3)

Appendix “A” to Report PD03041
Page 1 of 1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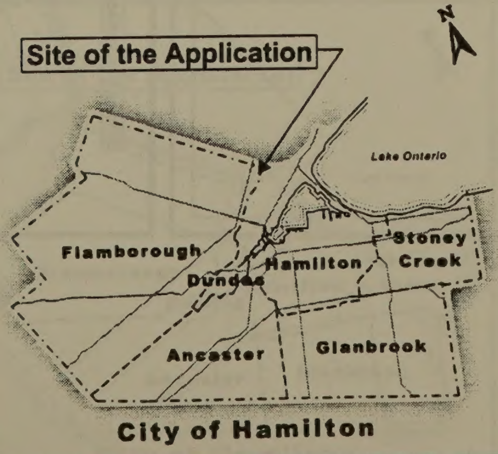
HIGHWAY 5 EAST
KERNS RD
MOUNTAIN BROW RD


N
Site of the Application
Lake Ontario
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook
City of Hamilton

PLANNING AND DEVELOPMENT DEPARTMENT

Aerial Photo

▭ **Subject Property**

Hamilton

Filename/number
NEPA 71

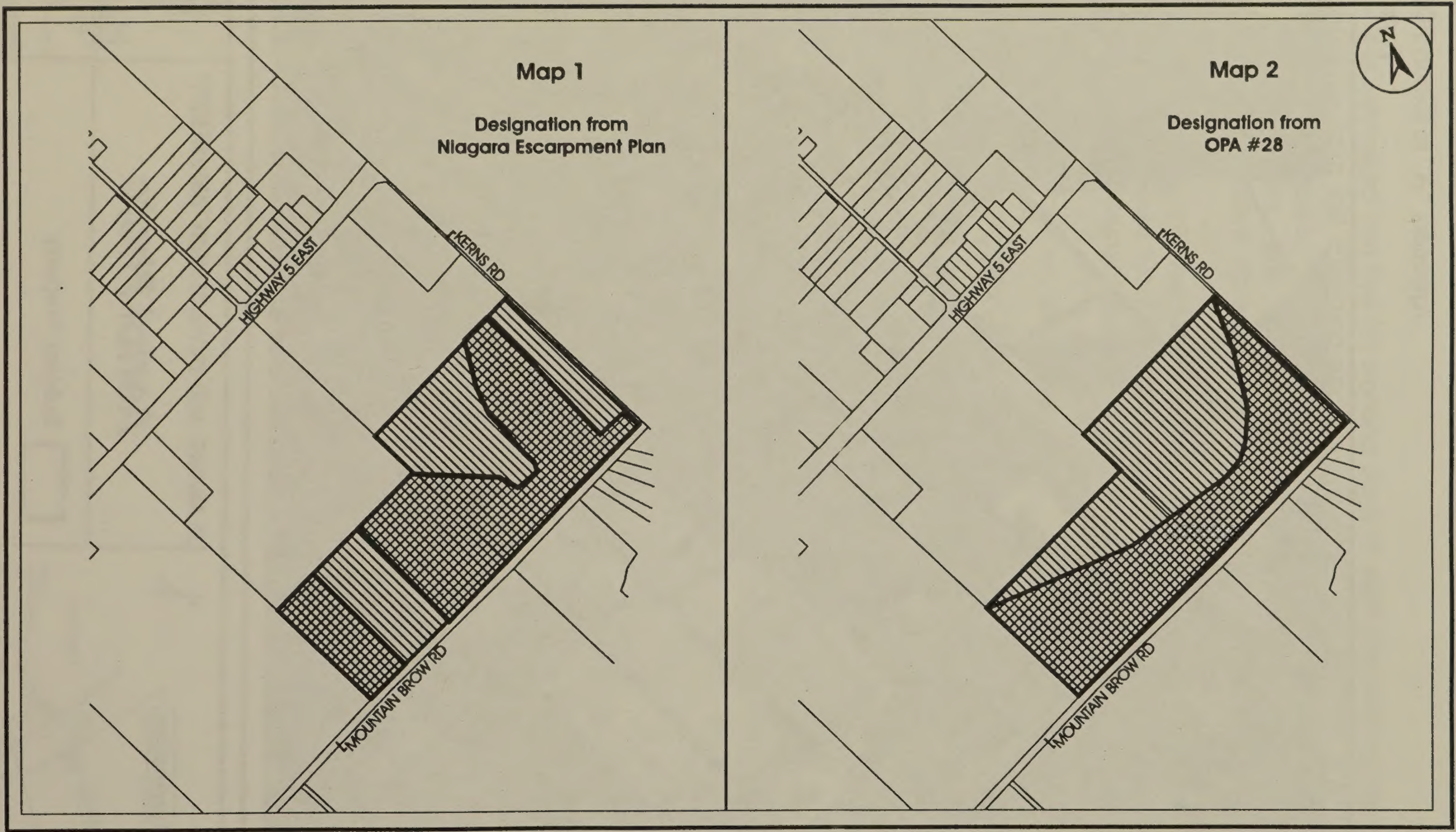
Date
February 13, 2003

Technician:
NM

Map Not to Scale

Appendix "A"

Appendix "B" to Report PD03041
Page 1 of 1


Map 1
Designation from
Niagara Escarpment Plan
HIGHWAY 5 EAST
KERNS RD
MOUNTAIN BROW RD
Map 2
Designation from
OPA #28
HIGHWAY 5 EAST
KERNS RD
MOUNTAIN BROW RD
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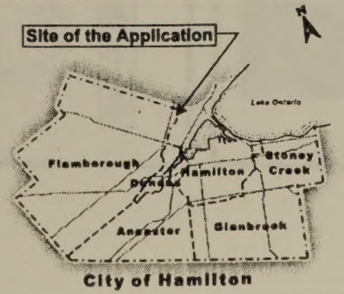

Site of the Application
Lake Ontario
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook
City of Hamilton

PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Map 1

▩ Natural

▨ Protection

Map 2

▩ Open Space (limits to be determined by further studies sub-waterfront)

▨ Residential

Filename/number
NEPA 71

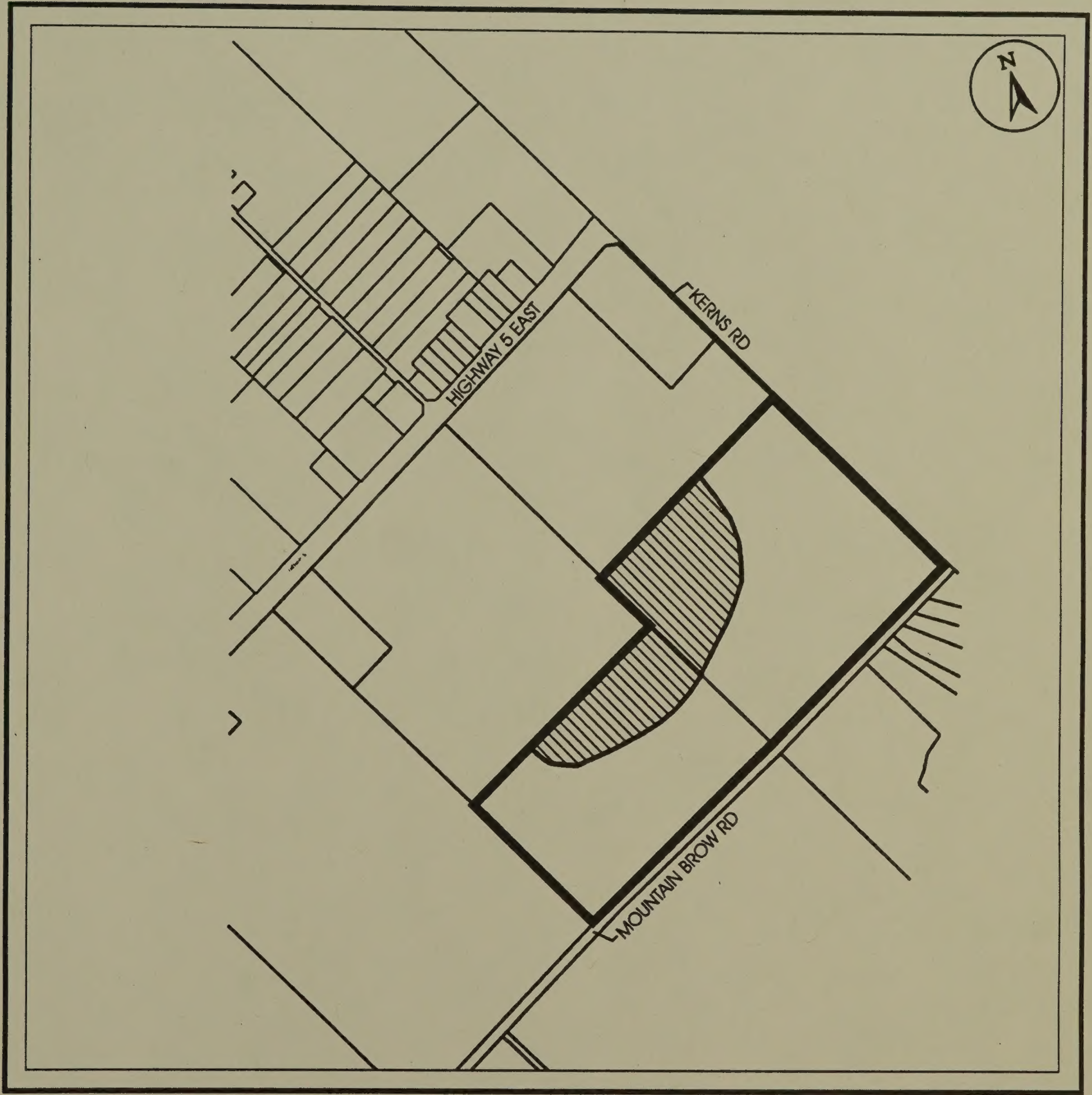
Date
February 13, 2003

Technician:
NM

Map Not to Scale

Appendix "B"

Hamilton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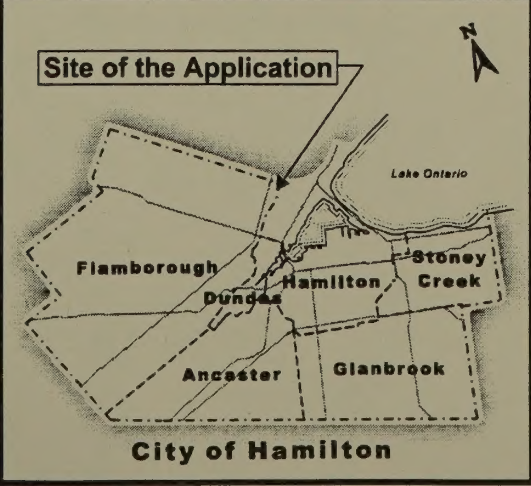
MOUNTAIN BROW RD


Site of the Application
N
Lake Ontario
Flamborough
Dundas
Hamilton
Stoney Creek
Ancaster
Glanbrook
City of Hamilton

PLANNING AND DEVELOPMENT DEPARTMENT

General Areas of Conflict

Hamilton

☐ **Subject Property**

▨ **Lands Designated Residential OPA #28 and Designated Natural and Protection in Niagara Escarpment Plan Amendment 71.**

Filename/number
NEPA 71

Date
February 13, 2003

Technician:
NM

Map Not to Scale

Appendix "C"

SECTION 13

SECTION 14

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

14.1

TRANSPORTATION, OPERATIONS & ENVIRONMENT
Infrastructure & Environmental Planning

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Scott Stewart Acting General Manager
Date:	February 18, 2003	**Prepared by:**	Robert Shamess Extension 5097

SUBJECT: **Urban Transportation Showcase Program (TOE03034) - (City Wide)**

RECOMMENDATION:

(a) That Council endorse pursuing the stage two Transport Canada application process for the "Greater Toronto Area Travel Demand Management (TDM) Program" as an Urban Showcase initiative;

(b) That Council direct staff to work with the other GTA partners in developing a proposal for submission to the federal government on a Hamilton and GTA-wide travel demand management (TDM) program;

(c) That any costs associated with this program for 2003 be earmarked from funds available in the proposed budget currently before Council for review and consideration;

(d) And further that if the Stage 2 proposal is successful that staff report back to Council for approval to allocate sufficient funds in subsequent budgets as determined by the final Program timeline.

Scott

Scott Stewart, Acting General Manager
Transportation, Operations & Environment

EXECUTIVE SUMMARY:

In June 2001, Transport Canada launched the Urban Transportation Showcase Program (UTSP) and called on Canadian Municipalities to participate in a two-stage nation wide competition. Municipalities were invited to submit proposals for showcase projects whose aim was to reduce urban transportation emissions through reductions in travel demand and mode shifts to less energy intensive means of travel.

The showcases could include: transportation services, infrastructure investments, demand management initiatives, land use strategies, public outreach and advanced technologies.

The Urban Transportation Showcase Program is a key component of the Federal Government's Action Plan 2000 on Climate Change. Through this program the Federal Government have allotted $35 million to support the creation of the community showcase programs in order to demonstrate and evaluate ways of reducing greenhouse gas emissions from transportation and to address other urban challenges, such as air quality, congestion, safety and increasing operating costs.

The City of Hamilton participated in the submission of a collaborative expression of interest entitled "Greater Toronto Area Travel Demand Management (TDM) Program". Partners in this submission included the City of Toronto, Town of Markham, City of Mississauga, City of Vaughan, City of Brampton, City of Hamilton, York Region, Halton Region, Durham Region and Peel Region.

On December 11, 2002 Transport Minister David Collenette announced that this Hamilton/GTA joint expression of interest was one of the 15 showcase proposals that would receive funding to prepare a detailed proposal to be considered as a showcase project. The showcases include: strategies to reduce the use of cars and shift passengers towards less GHG-intensive travel alternatives, testing of new road or transit technologies, innovative infrastructure projects, and community outreach initiatives. Through the application of the showcase initiatives the Federal Government will begin the process of meeting Canada's Kyoto Agreement commitments.

As a result of the success in stage 1 of the program, the City and its municipal partners are eligible for $30,000 in funding to assist with the development and presentation of a more detailed proposal for submission by May 16, 2003. The Federal Government will review the submissions and select four or more projects to identify as showcases and be eligible for up to $10 million per showcase in federal funding. It is anticipated that the announcement of the successful projects will be in August 2003.

BACKGROUND:

Transport Canada's Urban Transportation Showcase Program (UTSP) was formally launched in June 2001. The UTSP has been developed in response to the need to reduce urban transportation emissions by reducing travel demand, shifting travel away from energy-intensive modes, and reducing emissions within each mode.

This program will contribute up to $35 million toward showcase costs, with a limit of $10 million for any given showcase. The UTSP contributions will cover one-third of eligible showcase costs, with applicants and their partners contributing the remaining two-thirds. Implementation of the showcases is anticipated to start in August 2003 with completion by March 2006.

Under the UTSP application guidelines, applicants are required to go through a two-stage evaluation process. An independent selection committee appointed by the Transport Minister is responsible to review all the applications. In the first stage, municipalities were asked to submit an expression of interest that outlined their proposals. A total of 48 proposals were received from across the country.

On December 11, 2002 Transport Minister David Collenette announced that fifteen municipalities had been short-listed to enter the second stage of the application process. As part of the second stage each applicant will receive up to $30,000 from Transport Canada to develop and submit a more detailed proposal. Submission of the detailed proposal must be completed by May 16, 2003. The UTSP selection committee will evaluate all the proposals and recommend four to ten showcase projects for implementation. It is anticipated that notification of the successful applicants will occur in August 2003.

City Staff were contacted in October 2001, to participate in the preparation of a joint expression of interest submission along with the City of Toronto, Regions of Peel, Durham, York and Halton, and with lower tier municipalities including Mississauga, Markham, Vaughan and Richmond Hill. The purpose of the proposed project was to pursue sustainable transportation in the Hamilton and GTA area through the implementation of transportation demand management. It was felt that through the development of this project reductions in greenhouse gas emissions and traffic congestion could be realized by providing more choice to the public through promotion of sustainable modes of transportation such as transit, carpool/vanpool, bicycling and walking.

In order to accomplish these goals, the "Greater Toronto Area Transportation Demand Management (TDM) Program" proposes to create a network of transportation management associations (TMA) throughout Hamilton and the GTA.

TMAs are geographically based non-profit membership organizations dedicated to providing a choice of transportation services and programs for commuters. By seeking to reduce traffic congestion and improve air quality by focusing on means to reduce auto demand, particularly peak-period work trips TMAs can be seen to be one of the mechanisms to help implement transportation demand management measures. In order to accomplish this TMAs are based on partnerships between governments, employers, developers and residents groups which, by banding together, can accomplish more than any one government agency, employer, developer or resident could do alone.

Although TMAs started in the United States in the early 80s, they are a relatively new concept in Canada. The first Canadian TMA was formed several years ago in Vancouver. The first TMA in Ontario was formed in the Toronto Area in March 2001. The Black Creek Regional Transportation Management Association (BCRTMA), located in north-west Toronto and Vaughan, provides services which include parking management, ridematching, guaranteed ride home program, outreach, cycling, advocacy for improved transit service and vanpools.

To support the operation of TMAs and to provide a comprehensive TDM package, the Expression of Interest submitted to Transport Canada also included the following initiatives as part of the Hamilton/GTA TMA Program:

- Organize TDM/TMA Forum to inform stakeholders about TDM and TMAs

- Develop a Hamilton/GTA-wide ridematching service

- Prepare educational/marketing materials and conduct educational/training program

- Develop and operate Hamilton/GTA-wide vanpool program

- Develop and operate Hamilton/GTA-wide car sharing program

Based on the original expression of interest submitted to Transport Canada, and Transport Canada's original timelines, the total overall budget is estimated to be about $11.7 million over four years or $2,925,000 annually. The UTSP will provide one-third of the cost or $975,000. The remaining two-thirds totalling $1,950,000 will be shared among all participating municipalities and the private sector. Both in-kind and financial support can be considered as part of the contribution. The City of Hamilton's proportional share of the annual cost is anticipated to be in the order of $60,000.

Sufficient funds are available in the proposed 2003 Operating Budget currently under review and consideration by Council. Similar funding would be required for the years 2004 through 2006 if the four-year time line was adhered to.

However, Transport Canada has delayed the selection process by one year. Therefore, instead of a four-year timeline for the program, the UTSP will only be a two and a half-year program. As a result, the detailed budget including the contributions required from each partner will need to be reassessed as part of the detailed proposal stage.

Once the proposal budget has been finalized by Transport Canada and a timeline established, Staff will include the City of Hamilton's proportional share of the cost in future budget as required by the timeline.

As it is intended that notification to successful projects will occur in August of 2003 and that subsequent to this each proponent will have to enter into a satisfactory agreement with the federal government and in the case of this project, agreements will likely be required between the partners, it is anticipated that the initial contribution to the project from the municipal partners may not be required until 2004.

The deadline for submission of detailed proposals is May 16, 2003. Therefore, the next step is for City staff to work together with the other partners to prepare a joint detailed proposal.

In order to proceed to the next stage, Transport Canada has asked that for proposals from multiple partners some tangible proof of support from the project proponents be provided. Council's endorsement of the recommendations of this report will provide the necessary indication of support.

ANALYSIS OF ALTERNATIVES:

Alternatives to the recommendation include not endorsing/supporting the submission.

Given that the Federal Government have not adjusted either the submission date or the date of completion for the showcase program, delays or non-support at this stage may serve to eliminate the possibility of success for the submission. However, it should be noted that in discussion with the other participating municipalities, the likelihood of the proposal not being submitted if Hamilton does not participate is seen as minimal.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Pending budget approval sufficient funds have been allocated for the initial contribution in the 2003 budget. If the stage 2 proposal were successful funding would be required for the 2004, 2005 and 2006 budget years. However, once the timeline is confirmed, there may be changes to this schedule. Staff would include any required funding requests in future budget deliberations. Based on the original submission cost estimate and a four-year timeline, it is anticipated that Hamilton's annual contribution to the municipal share would be $60,000 for a total contribution of $240,000 for the years 2003, 2004, 2005 and 2006.

It is anticipated that agreements and/or memoranda of understanding will be required between the various municipalities.

POLICIES AFFECTING PROPOSAL:

This program provides for implementation of the TDM components of the "Putting People First" Downtown Transportation Plan, The South Mountain Transportation Plan and The Ancaster Comprehensive Transportation Plan. In addition it will also provide for implementation of proposed TDM components of the Draft Niagara Peninsula Transportation Needs Assessment.

If the TDM/TMA proposal is among the successful candidates, then a Contribution Agreement would be finalized and implementation of the project begun sometime during the September to December 2003 period. At this time, Transport Canada has advised that for simplicity they prefer to enter into a Contribution Agreement with only one "recipient". For administrative purposes it is anticipated that the City of Toronto, as the most likely largest municipal contributor, would be designated as the "recipient" and would enter into agreements with the partnering municipalities.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Staff has worked with the GTA municipalities in the development of the initial expression of interest.

CITY STRATEGIC COMMITMENT:

This project supports the City's Strategic Commitment to making Hamilton a Great City to Live In by supporting the goals of Vision 20/20 and making Hamilton a Healthy, Safe and Green City through investments which improve air quality to help us breathe.

AFFECTS WARD 15

14.2

CITY OF HAMILTON

TRANSPORTATION, OPERATIONS & ENVIRONMENT
Infrastructure & Environmental Planning

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Scott Stewart Acting General Manager
Date:	February 11, 2003	**Prepared by:**	S. Kapusin Extension 2218

SUBJECT: **Hamilton Street to Waterdown Wastewater Treatment Plant Sanitary Sewer Upgrade Class Environmental Assessment (EA), Schedule B (TOE03031) - (Ward 15)**

RECOMMENDATION:

That the Acting General Manager, Transportation, Operations, and Environment Department, be authorized and directed to file the Schedule B Class Environmental Assessment Project File Report for the Hamilton Street to Waterdown Wastewater Treatment Plant Sanitary Sewer Upgrade with the Municipal Clerk for a thirty (30) day public review.

Scott Stewart, Acting General Manager
Transportation, Operations & Environment

EXECUTIVE SUMMARY:

A section of the sanitary sewer immediately upstream of the Waterdown Wastewater Treatment Plant (WWTP) is in need of improvements due to an increase in sewage flow from almost fully developed areas of Waterdown to the treatment plant. The pipe in question is situated between the WWTP and a junction manhole, conveying flows from two separate systems - one from the Hamilton Street area and the other from Nancy Court. The flows from these two systems together exceed the capacity of the subject section of the system.

In addition, the system has become infested with tree roots, causing a reduction in carrying capacity.

The current easement is insufficient for operations and maintenance purposes, and acquisition of land will be necessary to facilitate the sewer upgrade.

Normally the work of upgrading an existing sewer facility would be classified as a pre-approved 'Schedule A' Class EA project. However, due to the need for land acquisition the project is classified as a 'Schedule B' Class EA with the potential for some adverse environmental effects. Alternative means of upgrading the sewer were assessed based on natural, social and economic analysis as well as public and review agency consultation.

The preferred solution is to replace the existing sewer with a larger sewer in the same trench, and build the new sewer within an expanded easement for ease of maintenance and access. This solution will not lead to increased service for additional development. It addresses structural problems and carrying capacity constraints for an existing developed and small infill area.

The Project File Report is complete and ready to be filed on the public record for a 30-day review. Subject to comments received during the review, Staff will proceed with implementation of the preferred alternative upon approval of the assessment. Funding is in place for the proposed works in the 2002 Wastewater Capital Budget.

BACKGROUND:

City staff has identified the need to improve a section of the sanitary sewer immediately upstream of the Waterdown Wastewater Treatment Plant (WWTP). Maps of the sewer location and drainage area are attached.

The sewer was constructed in the late 1960's to carry sewage flow from areas of Waterdown that are now almost fully developed. Some lands in this drainage area are planned for future infilling. The infilling area was addressed as part of this study in terms of expected flows once these lands are developed. This project does not increase the capacity at the WWTP. Average daily flows to the WWTP will not be affected by this upgrade.

This project follows the Schedule B Class Environmental Assessment (EA) process of the Municipal Engineers Association's Class Environmental Assessment document (June 2000). The Project File Report has been completed and the City is required to file the report on the public record for a minimum 30-day review period. Subject to the completion of and comments received during the review period, the City will then proceed with the implementation phase for the recommended option.

ANALYSIS OF ALTERNATIVES:

Alternative Solutions

The Class EA process requires that only reasonable and feasible alternatives be considered to address the problem. The following alternatives were considered for the Waterdown Sanitary Sewer Upgrade:

Alternative 1: Replace existing 375-mm sewer with new 600-mm sewer in same trench

a) Build new 600 mm sewer in same trench within existing 3 metre sewer easement
b) Build new 600 mm sewer in same trench within expanded 9 metre sewer easement

Alternative 2: Replace existing 375-mm sewer with new 600-mm sewer in new trench

- Build new 600-mm sewer in new trench within expanded 9-metre easement

Alternative 3: Do Nothing

- In which no improvements or changes would be undertaken to address present and future sewer capacity and performance, the "Do Nothing" alternative represents what would likely occur if none of the alternative solutions were implemented

Preferred Solution

Based on the analysis, the preferred solution is *Alternative 1b: Replace existing 375-mm sewer with new 600-mm sewer in same trench, and build the new 600 mm sewer within an expanded 9 metre sewer easement.*

This alternative is preferred with the following advantages:

- Wider easement facilitates construction and future maintenance;
- Lowest cost;
- Easiest to construct; and,
- Potential impacts can be mitigated following established mitigation techniques.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial Implications

Funding for the implementation of this project is available in the 2002 Wastewater Capital Budget, Project ID 5160262202, approved for $170,000.

Legal Implications

Legal Services will be asked to assist in acquiring lands currently owned by a Condominium Corporation.

POLICIES AFFECTING PROPOSAL:

N/A

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

The following Departments were consulted on the project:

- Community Services (Forestry)
- Planning and Development
- Operations Planning, Water and Wastewater

The following agencies were circulated:

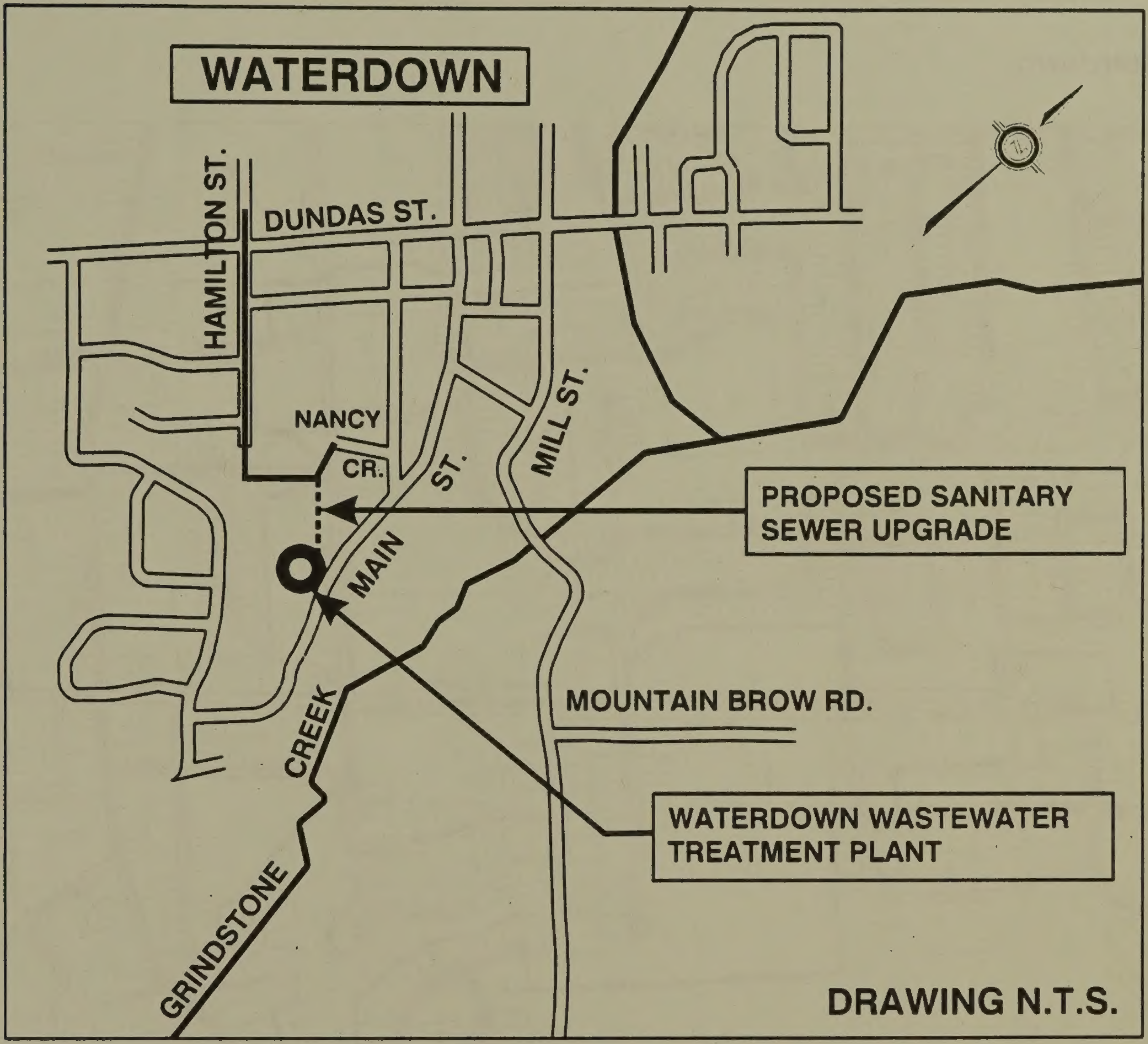
- Affected Property Owners
- American Water Services Inc
- Conservation Halton;
- Environmentally Significant Areas Impact Evaluation Group

- Local Utility Companies
- Ontario Ministries of Environment, Natural Resources and Culture
- Niagara Escarpment Commission

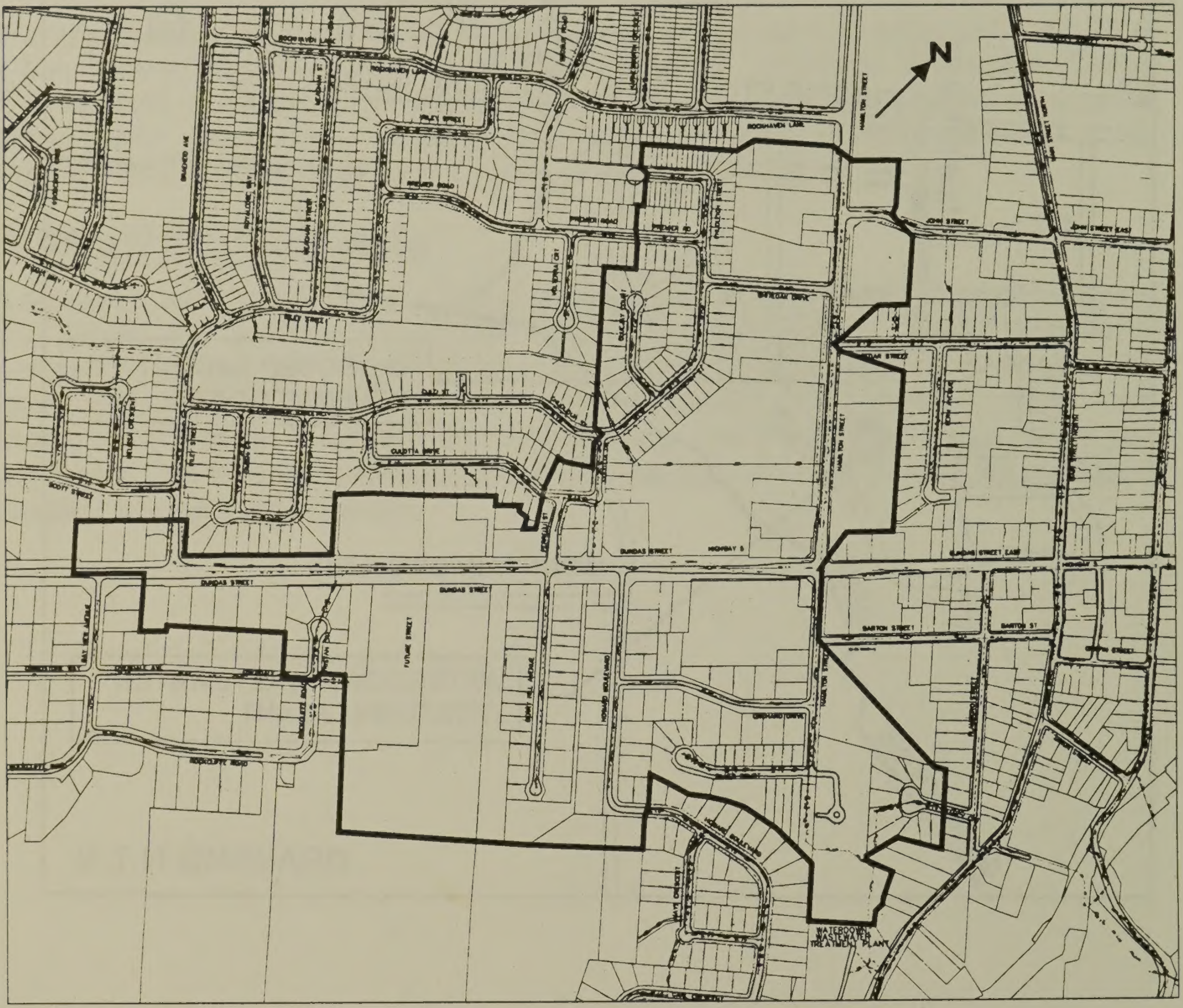
Newspaper notices were published in the Hamilton Spectator, the Flamborough Post and the Flamborough Review to notify local residents. A Public Information Centre (PIC) was held on November 7, 2002, at St. Thomas Elementary School to address questions and comments. Sixteen (16) local residents attended the PIC. No comments were received that were not addressed in the study.

CITY STRATEGIC COMMITMENT:

The approach used to arrive at the recommendation is consistent with Council's Mission Vision Values and Goals, and the VISION 2020 Sustainable Plan. The Environmental Assessment process for this project ensures that all possible options for solving the problem, including the option to do nothing, are assessed for implications on the local economy, health/social well-being and environment. In the end decision-makers can be confident that the recommended solution for infrastructure needs is selected based on sustainable planning principles.


WATERDOWN
HAMILTON ST.
DUNDAS ST.
NANCY
CR.
MAIN
ST.
MILL ST.
PROPOSED SANITARY SEWER UPGRADE
MOUNTAIN BROW RD.
WATERDOWN WASTEWATER TREATMENT PLANT
CREEK
GRINDSTONE
N
DRAWING N.T.S.

Waterdown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ROCKHAVEN LANE
JOHN STREET
DUNDAS STREET
HIGHWAY 5
DUNDAS STREET EAST
HAMILTON STREET
BARTON STREET
FUTURE STREET
WATERDOWN WASTEWATER TREATMENT PLANT

▭ **Sanitary Sewer Drainage Area to the Waterdown Wastewater Treatment Plan**

SECTION 15

CITY WIDE IMPLICATIONS

15.1

CITY OF HAMILTON

CORPORATE SERVICES
City Clerk's Division

PLANNING AND DEVELOPMENT
Building and Licensing Division

SOCIAL AND PUBLIC HEALTH SERVICES
Program Delivery Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Joseph L. Rinaldo, General Manager Lee Ann Coveyduck, General Manager Dr. Elizabeth Richardson, Medical Officer of Health
Date:	February 5, 2003	**Prepared by:**	Charlene Touzel, (905) 546-2753

SUBJECT: Collection of Personal Information at Residential Care Facilities (FCS03020/PD03029/SPH03001) (City Wide)

RECOMMENDATION:

(a) That Privacy Complaint Report No. MC-020017-1, respecting the collection of personal information at residential care facilities in the City of Hamilton, issued by the Information and Privacy Commissioner of Ontario on December 19, 2002, attached hereto and marked as Appendix "A", be received;

(b) That, Schedule 20 of the City of Hamilton Licensing Code (By-law No. 01-156) be amended to require operators of licensed residential care facilities to:

(i) permanently post in a highly visible location a written notice, for public inspection, containing the following: (1) the legal authority for the collection of personal information by the City's inspectors, (2) the principal purpose or purposes for which the personal information is intended to be used, and (3) the title, business address and business telephone number of a City representative who can respond to questions of the individual to whom the information relates, about the collection; and,

  (ii) deliver to all of its current tenants and employees, a letter explaining the collection process and providing them with notice containing the information specified in recommendation (b)(i) above;

  (iii) provide new tenants when they are admitted to the facility, and to new employees when they commence employment, a one-time written notice containing the information specified in recommendation (b)(i) above;

  (iv) maintain a file for each tenant for the retention of documents listed in subsections 54(1) and (2), and in subsections 55(1) and (2) of Schedule 20 of the City of Hamilton Licensing Code which is separate from any other file containing other records, reports, or documents of any kind which are required to be maintained by an operator under Schedule 20.

(c) That the Director of Legal Services and Corporate Counsel be authorized and directed to prepare a by-law to amend By-law 01-156 to implement the requirements set out in recommendation (b) above, and that the proposed amending by-law be submitted to the Hearings Sub-Committee for consideration at a public meeting in keeping with the requirements of subsection 150(4) of the Municipal Act, 2001;

(d) That the Mayor be authorized to request the Chair of the Management Board of Cabinet, pursuant to section 29(3)(b) of Municipal Freedom of Information and Protection of Privacy Act, to waive any requirements for giving notice to tenants and employees of residential care facilities on each occasion when their personal information is collected by City inspectors, as recommended by the Information and Privacy Commissioner/Ontario in Privacy Complaint Report No. MC-020017-1 dated December 19, 2002; and,

(e) That the City's Co-ordinator of Elections and Freedom of Information be directed to provide the following to the Information and Privacy Commissioner/Ontario as recommended in the IPC Report MC-020017-1 by March 19, 2003:

  (i) a copy of the notices and letters described in (b)(i)(ii) and (iii) above;

  (ii) a copy of the by-law amending the City of Hamilton Licensing Code, as referenced in (c) above;

  (iii) a copy of the letter to the Chair of the Management Board of Cabinet as referenced in (d) above; and,

  (iv) confirmation that Staff has reviewed the types of information listed in Section 54(2) of Schedule 20 of By-law 01-156 to ensure that all of the personal information contained in both tenant and staff files is required by that Section in order for the purpose of the By-law to be realized.

FOR.

Joseph L. Rinaldo, General Manager
Corporate Services

LeeAnn Coveyduck

Lee Ann Coveyduck, General Manager
Planning & Development

Dr. Elizabeth Richardson, Medical Officer of Health
Social & Public Health Services

EXECUTIVE SUMMARY:

In June of 2002, the Information and Privacy Commissioner/Ontario (IPC) received correspondence from the operator of a residential care facility in the City of Hamilton, stating that City inspectors had attended the facility on two occasions and had reviewed the medical and personal care plan records of the tenants, without having obtained the consent of the individual tenants. According to the operator of the facility, some of the tenants also objected to the collection of their personal information by the City as part of the inspection process.

As a result of this correspondence, as well as inquiries from a local Member of the Provincial Parliament, the IPC initiated Privacy Investigation MC-020017-1, in order to determine if the City was in compliance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*. On December 19, 2002, the Assistant Commissioner, Tom Mitchinson, sent the City the Report of the Mediator who had been assigned to review the complaint. Since City Council is the head of the institution for the purposes of the Act, the Privacy Complaint Report, and Mr. Mitchinson's accompanying letter, are attached to this Report as Appendix "A", for consideration by Members of Council.

In the Privacy Complaint Report dated December 19, 2002, the Mediator concluded that:

- the information reviewed and collected by City inspectors is the personal information of the tenants and other individuals
- the collection of the tenants' personal information was in compliance with section 28 of the Act
- the City's manner of collection was in accordance with section 29 of the Act; and
- notice of the collection was not provided in accordance with section 29 of the Act.

For reasons set forth in the Background section of this Report, it is the opinion of the City's Legal Services Division, on a strictly legal interpretation of the Act, that the City is not required to give notice of the collection of personal information, about either tenants or employees of licensed residential care facilities. However, after consulting with concerned staff of the Building and Licensing Division and the Social and Public Health Services Department, staff of the City Clerk's Division recommended that the IPC's primary recommendations be adopted, to make the general public, including tenants, family members, and employees of residential care facilities aware of the importance of collecting information of this kind for effectively regulating the quality of care and accommodation provided to vulnerable individuals who reside in these facilities. An appropriate notice, to be posted in each facility, as well as explanatory letters to tenants and employees, have been prepared, and will be distributed to operators of all licensed residential care facilities in the City, starting in February, 2003.

The IPC also recommended that individual notice be given on each and every occasion when future inspections are carried out. Because of the enormous burden which this requirement would constitute for the City, Staff is not proposing to comply with this recommendation. Moreover, the Legal Services Division has given its opinion that the Act does not require such individual notices to be given whenever a registered nurse inspector reviews a tenant's file. Staff is recommending that the Minister responsible for the administration of the Act be requested to waive the requirement of giving notice, in order to obviate any future complaints about the City's collection practices.

BACKGROUND:

Upon being notified that a Privacy Complaint had been filed with the IPC, Staff from the City Clerk's Division met with concerned staff of the Building & Licensing Division, the Program Delivery Division of the Social and Public Health Services Department, the Medical Officer of Health, and the Legal Services Division, on several occasions to review the complaint and to determine if the City's inspection process of residential care facilities complied with the requirements of the *Municipal Freedom of Information and Protection of Privacy Act*.

The inspection of residential care facilities is carried out in accordance with the Licensing Code, being City of Hamilton By-law No. 01-156, which was enacted under the general authority of section 257.1 of the former *Municipal Act*. The routine inspection process includes the collection of personal information, such as the sex, age, date of admission, date of discharge or death, next of kin contact information, brief medical history, and care information records of each individual who is a tenant in a facility. In addition, personal information is collected about employees who provide the care, including their qualifications, training, and medical condition. Therefore the *Municipal Freedom of Information and Protection of Privacy Act* does apply to the collection of personal information by the City's registered nurse inspectors and Building and Licensing inspectors.

It is the position of Staff that the inspection process under Schedule 20 of the Licensing Code constitutes a law enforcement activity as that term is used in the Act. The term "law enforcement" is defined as including "investigations or inspections that lead or could lead to proceedings in a court or tribunal if a penalty or sanction could be imposed in those proceedings". The inspections carried out under the Licensing Code may lead to proceedings being commenced in the Ontario Court of Justice, in the event of an alleged breach of the By-law.

The IPC in its Report has ruled that the collection of personal information about individual tenants in these circumstances is in accordance with subsection 28(2) of the Act. Although this is a sufficient legal basis for collecting this information, the collection is also permitted under the Act because it is necessary to the proper administration of a lawfully authorized activity, namely, the licensing of businesses which operate residential care facilities.

The sole purpose of the inspection process is to ensure that tenants' care needs are being met by the provision of adequate care services which the residential care facility is licensed and authorized to provide. The inspection process serves to protect a potentially vulnerable population in our community. By reviewing tenant files, which should include such items as physicians' orders, laboratory results, and information about medications, the registered nurse inspectors can determine whether the operator is properly meeting the specified standards for care and accommodation which tenants require for their health, well-being and safety.

Investigations of a residential care facility may arise as a result of a complaint by an individual tenant or by a third party. The lack of suitable medical care for a tenant or the unsatisfactory quality and quantity of food being served in the facility are examples of such complaints. The collection of information which is required to be kept in tenants' files by Schedule 20 of the Licensing Code assists the inspectors in verifying any such complaint and in determining if the operator is in compliance with the Licensing Code. This process promotes the operator's accountability to the tenants.

Although the IPC in its final Privacy Report found that the City had the right to collect personal information about tenants, the IPC also concluded that the City did not comply with the notice provisions of the Act with respect to the collection of such information. To make tenants aware that their personal information is being collected, the City has agreed to inform the individual to whom the information relates of:

- the legal authority for the collection;
- the principal purpose or purposes for which the personal information is intended to be used; and,
- the title, business address and business telephone number of an officer or employee of the City who can answer the individual's questions about the collection of his or her information.

Staff of the concerned departments feel that it is good practice to provide notice, even though it is the opinion of the Legal Services Division that the City is under no clear legal obligation to provide such notice, because subsection 29(3) of the Act states that the notice requirement under the Act does not apply, if the collection of personal information is for law enforcement purposes (as set out in subsections 8(1) and (2) of the Act). Furthermore, even if the City were legally required to give notice of the collection, there is no explicit provision in the Act that requires notice to be given on each and every occasion when an inspection takes place.

Nevertheless, to make tenants, their families, and employees of residential care facilities more aware of the City's practices for the collection of personal information during the inspection process under the Licensing Code, Staff recommend that the City require the operator of each facility to post a notice advising of the collections in a highly visible location, and also to deliver to all current and new tenants and employees at these facilities, letters providing similar notice and explaining the collection process.

In the event of any future complaints, alleging that the City has failed to give individual notice on each and every occasion, when personal information is collected, Staff also recommends that, in accordance with subsection 29(3)(b) of the Act, the Mayor be authorized to request the Chair of the Management Board of Cabinet to waive any requirement to provide notice, above and beyond the posting of notice in each facility and the distribution of letters as discussed above.

The Legal Services Division also feels that the City can rely upon clause 4(1)(a) of Regulation 823 under the Act, which states that an institution is not required to give notice of the collection of personal information to an individual to whom it relates if the providing of notice would "frustrate the purpose of the collection", to dispense with giving individual notice after each and every inspection. Assistant Commissioner Mitchinson, in his letter accompanying the Privacy Complaint Report, expressed doubts, that having to give notice of collection after each and every inspection would necessarily frustrate that purpose.

Staff of the Social and Public Health Services Department has estimated that at least two full time employees would be required to manage the preparation and distribution of over 10,000 written notices and the resultant telephone calls and inquiries from tenants and their families. The resulting interference with the ability of the registered nurse inspectors to respond in a timely manner to complaints, re-inspections, and other significant issues affecting the health and safety of these vulnerable individuals, is a very serious concern, particularly when inspectors employed by the Ministry of Health do not provide individual notices of collection, when inspections are conducted of provincially regulated long term care facilities.

A second Privacy Complaint (MC-020045-1) has been filed by some employees at another residential care facility, objecting to the collection of their employee records. In that case, the collection of documents at this facility was authorized by a Justice of the Peace who had issued a search warrant to seize a wide category of records. The IPC does not have any jurisdiction concerning this matter. The Legal Services Division has communicated with the IPC to explain the basis for the City's position that the IPC should cease its inquiries into this complaint.

ANALYSIS OF ALTERNATIVES:

1. As discussed in the Background Section of this Report, on a strict legal interpretation, providing notice is not required by the Act, since personal information is collected for the purpose of law enforcement. Accordingly, the City could continue to collect personal information about tenants without giving notice of collection in any way. For the reasons set forth in this Report, Staff is not recommending this approach.

2. However, for the purpose of informing tenants and employees about the inspection process, and the importance of collecting personal information, Staff is recommending that Schedule 20 of the Licensing Code be amended to require operators of residential care facilities to post the appropriate notices as prepared by the Issuer of Licences and the Medical Officer of Health, and to distribute explanatory letters to all current tenants and employees. Given that City Staff do not have access to a list of all current tenants and employees at each of these facilities, and the considerable resources that would be required for City Staff to hand deliver all notices individually, it is recommend that this responsibility be assigned to the operators, who can conveniently distribute these materials. This approach will meet the requirements of the Act, as interpreted by the IPC, while minimizing costs and strains on existing City resources.

3. Because of the possibility of future complaints being filed by tenants if the City does not provide individual notices of collection following each and every inspection, Staff has recommended that the Mayor be authorized to request the Chair of the Management Board of Cabinet, who is the Minister responsible for the administration of the Act, to waive the notice requirement.

Staff is recommending that City Council adopt the two-pronged approach towards complying with the recommendations of the IPC which are set out in paragraphs 2 and 3 above.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial Implications

Costs for the preparation of the notices and letters to be posted and distributed to all tenants and staff in licensed residential care facilities, in the approximate amount of $ 5000 will be borne by the Social and Public Health Services Department.

Additional costs to prepare and distribute the over 10,000 notices annually would also apply, should the Minister not waive the notice requirements under the Act.

Staffing Implications

As identified previously in this report, the requirements to provide notice, on each and every occasion when personal information is collected during routine and other inspections at the City's 93 licensed residential care facilities, would not be possible without the addition of at least two full time employees at an estimated cost of $ 120,000.

Legal Implications

The City of Hamilton is subject to the *Municipal Freedom of Information Act* and as such, is required to comply with the legislation. As set forth in the Background Section of this Report, the Legal Services Division does not agree with certain views expressed by the IPC, particularly with respect to the suggestion that an individual notice of collection must be given on each and every occasion when the inspection of a tenant's or an employee's file has taken place. Although the recommendations of the IPC must be given serious consideration, it is ultimately within the discretion of City Council whether or not to comply with those recommendations, or to implement them in a practical manner after considering the advice of Staff of all departments concerned.

It should be noted that the IPC has not made an order that the City cease its legally authorized practices of collecting personal information of tenants in licensed residential care facilities. Therefore, there are no adverse consequences of a legal nature which will result from Council proceeding in good faith to implement the recommendations of the IPC in the manner which it considers appropriate.

POLICIES AFFECTING PROPOSAL:

N/a

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Staff of the Social and Public Health Services Department, Program Delivery Division, and the Medical Officer of Health; Planning and Development Department, Building and Licensing Division; Corporate Services Department, City Clerk's and Legal Services Divisions, have been consulted in the City's response to the IPC, in the formulation of the notices and letters to be sent to the residential care facilities and in the preparation of this report.

CITY STRATEGIC COMMITMENT:

This report is in keeping with the Personal Health and Well-being Goals of Vision 2020 to provide adequate and appropriate health care services for all citizens, to increase the number of years of good health for all citizens by reducing illness, disability and premature deaths, to promote health and prevent disease and injury and to improve personal health status.

Attachment

cc Joe-Anne Priel, General Manager, Social and Public Health Services
Dr. Monir Taha, Associate Medical Officer of Health
Rand Roszell, Director, Legal Services and Corporate Counsel
Peter Lampman, Director, Building and Licensing, Planning and Development
Cathy Buffett, Director, Community Programs, Social and Public Health Services
Kevin Christenson, City Clerk
David Beck, Legal Services and Corporate Counsel
Michael Gouthro, Legal Services and Corporate Counsel
Lee Anne Wiebe, Social and Public Health Services
Doug Rose, Building and Licensing, Planning and Development
Randy Charlton, Building and Licensing, Planning and Development
Judy Downey, Building and Licensing, Planning and Development

Information and Privacy
Commissioner/Ontario
Commissaire à l'information
et à la protection de la vie privée/Ontario

**Appendix "A" to Report
FCS03020/PD03029/SPH03001**

December 19, 2002

Charlene Touzel
FOI Co-ordinator
City of Hamilton
City Clerk's Office
71 Main Street West, 2nd Floor
Hamilton, ON
L8P 4Y5

Dear Ms. Touzel:

RE: PRIVACY COMPLAINT FILE: MC-020017-1

On December 3, 2002, Alex Kulynych, Mediator, issued a Draft Privacy Complaint Report and provided you with an opportunity to report any factual errors and/or omissions within 14 days.

Mr. Kulynych has reviewed the comments that you provided and has included most of your suggestions in his final Privacy Complaint Report.

Enclosed please find a copy of the final Privacy Complaint Report. I have reviewed it and accept the conclusions and recommendations.

The City has suggested that section 4(1)(a) of Regulation 823 would relieve it of the obligation to provide notice when information has actually been collected during an inspection. This section provides that notice is not required if "providing notice would frustrate the purpose of the collection". This provision of the Regulation is contemplated in section 29(3) of the *Act*, which indicates that notice is not required where "the regulations provide that the notice is not required". Section 29(3) also provides that notice is not required where "the head may refuse to disclose the personal information under subsection 8(1) or (2) (law enforcement)".

Under section 4(1)(a), the purpose of a collection by the City's inspections would relate to law enforcement. However, in the absence of an ongoing investigation, it is not obvious that providing actual notice to tenants **after** the collection has taken place would always frustrate that purpose. Therefore, whenever personal information has been collected (i.e. copied or recorded) during an inspection , it will be necessary for the City to assess whether providing notice in the particular circumstances would interfere with an ongoing investigation or law enforcement matter. If so, notice would not be required either by virtue of section 29(3)(a) of the *Act* (if, for example, the exemption at section 8(1)(a) or (b) of the *Act* would apply), or by virtue of section 29(3)(c) in combination with section 4(1)(a) of the Regulation.

This matter is now complete based on the findings and recommendations provided in the final Report. We look forward to receiving proof of compliance with our recommendations by **March 19, 2003.**

Yours truly,

Tom Mitchinson
Assistant Commissioner

Enclosure

Information and Privacy
Commissioner/Ontario
Commissaire à l'information
et à la protection de la vie privée/Ontario

PRIVACY COMPLAINT REPORT

PRIVACY COMPLAINT NO. MC-020017-1

City of Hamilton

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80 Bloor Street West,
Suite 1700,
Toronto, Ontario
M5S 2V1

80, rue Bloor ouest
Bureau 1700
Toronto (Ontario)
M5S 2V1

416-326-3333
1-800-387-0073
Fax/Téléc: 416-325-9195
TTY: 416-325-7539
http://www.ipc.on.ca

PRIVACY COMPLAINT REPORT

PRIVACY COMPLAINT NO. **MC-020017-1**

MEDIATOR: **Alex Kulynych**

INSTITUTION: **City of Hamilton**

SUMMARY OF COMPLAINT:

On January 1, 2001, the City of Hamilton amalgamated with a number of adjacent municipalities to form the present City of Hamilton (the City). One result of the amalgamation was the need to repeal and replace a number of by-laws. As part of that process The City of Hamilton Licensing Code, 1998 (By-law No. 98-203) and various other licensing by-laws of the dissolved municipalities were replaced by the current By-law No. 01-156: A By-law to Licence and Regulate Various Businesses. Residential care facilities were included as a business covered by the new licensing by-law.

The Office of the Information and Privacy Commissioner/Ontario (the IPC) received correspondence from an administrator and owner of a retirement residence. According to the author, the residence is a residential care home licensed by the City. City inspectors had attended the facility on two occasions and reviewed the medical and personal care plan records of the residents and did so without the residents' consent. Information from these records was also collected in the form of notes taken by the inspectors. Furthermore, the City did not notify the residents that their personal information would be collected. The author feels that information from medical and personal care plan records should not be viewed and collected without notice to the residents and without their consent. She is also concerned that these inspections are to be conducted on a regular basis.

According to the author, a number of residents have objected to the inspections. The IPC has been contacted by a number of individuals, including an MPP, expressing the same concerns. The authors of some of the correspondence object to similar inspections at another facility.

On this basis, the IPC initiated Privacy Investigation MC-020017-1 to determine whether the City collected the residents' information in accordance with the privacy provisions of the

Municipal Freedom of Information and Protection of Privacy Act (the *Act*) and whether the residents were notified of the collection as required by the *Act*.

It is important to understand that my investigation has been completed in accordance with my responsibilities and authority as outlined in the *Act*. The findings in this report should not be interpreted as either an endorsement or a criticism of the provisions of By-law 01-156. The policy reflected in the by-law is a matter for the City to set and revise as required, and it is not within the scope of my authority to comment on these policy matters.

DISCUSSION:

The following issues were identified as arising from the investigation:

ISSUE A: Was the information collected by the City's inspectors "personal information" as defined in section 2(1) of the *Act*?

Section 2(1) of the *Act* states, in part:

> "personal information" means recorded information about an identifiable individual, including,
>
> (a) information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual,
>
> (b) information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved,
>
> ...
>
> (d) the address, telephone number, fingerprints or blood type of the individual,
>
> ...
>
> (h) the individual's name if it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual

Section 54(2) of Schedule 20 (Residential Care Facilities) of By-law 01-156 requires the operator of a facility to maintain a separate file for each tenant (i.e., resident of a facility), and lists the specific information that is to be contained in the file. That list consists of:

- sex, age, date of admission and date of discharge or death;

- name, address and telephone number of next-of-kin;
- name and telephone number of the tenant's attorney for personal care, if any;
- the name and telephone number of the tenant's physicians;
- the name, address and telephone number of any community agency which is providing support to the tenant;
- tuberculin or chest x-ray testing results, and the dates thereof;
- a brief medical history of the tenant from the date of his or her admission, including medication information, laboratory results, physicians' orders as available, and staff notes;
- a care home information package;
- particulars of each accident suffered by the tenant while in the facility; and
- Forms 1 and 2 (where used).

Section 55 of the same Schedule requires that a record in a prescribed Form 3 be made of every occurrence of assault or injury and be placed in the tenant's file and kept available for inspection by the Medical Officer of Health, and that a record in a prescribed Form 4 be made of the death of a tenant resulting from an accident or an undetermined cause, or from a communicable disease affecting the tenant, and that it be delivered forthwith to the Medical Officer of Health and a copy be placed in the tenant's file.

Based on the types of information that the operator of a facility is required to maintain in order to comply with sections 54 and 55 of Schedule 20 of By-law 01-156, I conclude that the information reviewed and collected by City inspectors is the personal information of the tenants. Small portions may also contain the personal information of other identifiable individuals, such as the tenant's next of kin.

ISSUE B: Was the collection of the "personal information" in accordance with section 28 of the *Act*?

Section 28(2) of the *Act* sets out the circumstances under which an institution under the *Act*, like the City, can collect personal information. This section states:

> No person shall collect personal information on behalf of an institution unless the collection is expressly authorized by statute, used for the purposes of law enforcement or necessary to the proper administration of a lawfully authorized activity.

The City needs to satisfy only one of the three criteria identified in section 28(2) in order to be in compliance with this section.

Used for the purposes of law enforcement

"law enforcement" is defined in section 2(1) of the *Act* as:

> (a) policing,

> (b) investigations or inspections that lead or could lead to proceedings in a court or tribunal if a penalty or sanction could be imposed in those proceedings, and
>
> (c) the conduct of proceedings referred to in clause (b);

By-law 01-156 requires that residential care facilities be licensed and allows for the inspection of these facilities and their operation in order to determine compliance with the provisions of the by-law relating to the care and safety of the tenants.

Section 56 of Schedule 20 of By-law 01-156 states:

> (1) The Medical Officer of Health, the Building Commissioner, the Chief Fire Prevention Officer, the Chief of the City of Hamilton Police, the Issuer of Licences, or an inspector, at all reasonable times, may inspect any facility and the list of tenants required by subsection 54(1).
>
> (2) The Medical Officer of Health or a member of a regulated health profession authorized by him or her, at any time may inspect the file of any tenant required by subsection 54(2), and may make copies of the contents of such file.

Section 57 of the Schedule states:

> The operator of a facility shall allow the Medical Officer of Health or a member of a regulated health profession authorized by him or her, as often as he or she deems reasonably necessary, to make inspections of the facility and its operation in order to determine compliance with the provisions of this Schedule relating to the care and safety of the tenants.

It is therefore clear that section 56(2) of Schedule 20 to the by-law authorizes the Medical Officer of Health, or a member of a regulated health profession authorized by him or her, to inspect the file of any tenant and to make copies of the contents of the file. Earlier, I described the types of information that are kept in individual tenants' files pursuant to sections 54(2) and 55 of Schedule 20.

The by-law provides for orders to be issued and charges to be laid for violations or non-compliance with the by-law. If charged with an offence under the by-law, an operator must attend Provincial Offences Court. An operator's licence may be suspended, revoked or have conditions imposed following a hearing before the City's Licensing Committee and a decision by City Council.

Previous orders of the IPC have consistently found that municipal by-law enforcement activities fall within the definition of "law enforcement" in section 2(1) of the *Act* (see, for example, Orders M-16 M-582 and MO-1295).

It is implicit in the scheme of the by-law that the inspections contemplated by sections 56 and 57 are intended to promote the by-law's law enforcement purpose, stated in section 57 as determining "compliance with this Schedule relating to the care and safety of tenants".

I have reviewed the licensing provisions of the by-law and have found that inspections of the facilities could lead to proceedings in a Court where a penalty or sanction could be imposed. Having considered the IPC's findings in the orders referred to above and based on the definition of "law enforcement" found in section 2(1) of the *Act*, I am satisfied that the City's collection of the tenants' personal information was used for the purpose of law enforcement and was in accordance with section 28(2) of the *Act*.

ISSUE C: Was the manner of collection in accordance with section 29 of the *Act*?

Section 29(1)(g) of the *Act* reads:

> An institution shall collect personal information only directly from the individual to whom the information relates unless,
>
> > the information is collected for the purpose of law enforcement; or

I have already concluded in **ISSUE B** that the City's collection of the tenants' personal information was used for the purpose of law enforcement. Accordingly, I find that the City is exempt from the requirement to collect the personal information directly from the individual to whom the information relates and may collect the information indirectly, that is, through the inspection of tenants' files. Therefore, I conclude that the City's manner of collection was in accordance with section 29 of the *Act*.

ISSUE D: Was notice of the collection provided in accordance with section 29 of the *Act*?

Sections 29(2) and 29(3) of the *Act* read:

> (2) If personal information is collected on behalf of an institution, the head shall inform the individual to whom the information relates of,
>
> > (a) the legal authority for the collection;
> >
> > (b) the principal purpose or purposes for which the personal information is intended to be used; and
> >
> > (c) the title, business address and business telephone number of an officer or employee of the institution who can answer the individual's questions about the collection.
>
> (3) Subsection (2) does not apply if,

(a) the head may refuse to disclose the personal information under subsection 8(1) or (2) (law enforcement) or section 8.1 (*Remedies for Organized Crime and Other Unlawful Activities Act, 2001*);

(b) the Minister waives the notice; or

(c) the regulations provide that the notice is not required.

Although the City's collection is for law enforcement purposes, this does not necessarily mean that the exception to the notice provided by section 29(3)(a) would apply.

The City has acknowledged that it has not complied with the notification provisions of the *Act*. During the investigation, the City and I discussed ways for the City to comply with the provisions relating to notice to individuals. As a result, the City has agreed as follows:

(a) The City will ensure that operators of residential care facilities permanently post in a highly visible location in each of the City's licensed residential care facilities, for public inspection, appropriate written notice containing: (1) the legal authority for the collection of personal information by the City's inspectors, (2) the principal purpose or purposes for which the personal information is intended to be used, and (3) the title, business address and business telephone number of an officer or employee of the City who can answer questions of the individual to whom the information relates, about the collection;

(b) The City will provide letters to the operators of each of the City's licensed residential care facilities explaining the collection process and providing them with notice containing the information specified in paragraph (a) above. The City will ensure that the operators distribute the letters to all current tenants.

(This is a one-time mailing to inform existing tenants who would not be otherwise informed by (c) below).

(c) When a new tenant first moves into the facility, the City will require operators to provide the tenant with a one-time written notice, containing the information specified in paragraph (a) above;

(d) Only those records and reports listed in the Licensing Code, Schedule 20, Part IX Sections 54(1) and (2) and 55 (1) and (2) will be placed in the tenants' files for inspection by the City. The City will require operators to ensure that all other personal information about the tenants will be maintained in a separate file.

The City's agreement to comply with these requirements relates to inspections of licensed facilities. In the event that the City inspects non-licensed residential care facilities, the City must still comply with collection and notification requirements in sections 28 and 29 of the *Act*.

In addition, in my view, compliance with the requirements of paragraphs (a) through (d) is not sufficient to comply with the notification requirements of section 29 of the *Act* in all inspections of licensed facilities. The provisions of section 29 are mandatory and require notice to be given whenever personal information has in fact been collected unless one of the exceptions in section 29(3) applies. This is addressed in the Recommendations below.

CONCLUSIONS:

I have reached the following conclusions based on the results of my investigation:

- The information reviewed and collected by City inspectors is the personal information of the tenants and other individuals;
- The collection of the tenants' personal information was in compliance with section 28 of the *Act*;
- The City's manner of collection was in accordance with section 29 of the *Act*; and
- Notice of the collection was not provided in accordance with section 29 of the *Act*.

RECOMMENDATIONS:

1. As noted above, the City has agreed to take specific steps to comply with the provisions of the *Act* relating to notification. As a result, I request that the City provide this office with a copy of the notices and letter described in (a), (b) and (c) above and proof of compliance with (d) above.

2. I recommend, where personal information has actually been collected by the City by means of recording the information or making a copy during inspections, that the City provide, within a reasonable period of time, notice containing the information specified in paragraph (a) above to each tenant on each occasion when the tenant's personal information has been collected unless an exception under section 29(3) of the *Act* applies.

3. In light of the public attention surrounding the City's inspections of residential care facilities, I recommend that the City review the types of information listed in section 54(2) of Schedule 20 of By-law 01-156 to ensure that all of the personal information contained in the files required by that section is necessary in order for the purpose of the by-law to be realized.

With respect to the above recommendations, I request that the City provide this office with proof of compliance by **March 19, 2003**.

December 19, 2002

Alex Kulynych
Mediator

CITY WIDE IMPLICATIONS

CITY OF HAMILTON

15.2

PLANNING AND DEVELOPMENT DEPARTMENT
Housing Division

PUBLIC HEALTH AND COMMUNITY SERVICES DEPARTMENT
Program Delivery Division

Report to:	Mayor and Members Committee of the Whole	**Submitted by:**	Lee Ann Coveyduck General Manager Joe-Anne Priel General Manager
Date: **File:**	February 14, 2003 HPFH	**Prepared by:**	Keith Extance (905) 546-3745

SUBJECT: Keys To The Home – A Housing Policy and Plan for Hamilton: Terms of Reference (PD03026/SPH03005) (City Wide)

RECOMMENDATIONS:

(a) That the Terms of Reference for "Keys To The Home – A Housing Policy and Plan for Hamilton", attached as Appendix "A" to Report PD03026/SPH03005, be approved; and,

(b) That Housing Division staff report back to the Committee of the Whole with a draft Housing Policy and Plan by August 31st 2003.

LeeAnn Coveyduck

Lee Ann Coveyduck
General Manager
Planning and Development Department

JPriel

Joe-Anne Priel
General Manager
Public Health and Community Services Department

EXECUTIVE SUMMARY:

Housing remains one of the most basic human needs. Housing needs and the demand for housing are not static but change and evolve as social, demographic and economic conditions change. Municipalities have been at the forefront of assessing housing market conditions and housing needs and establishing policy directions and program initiatives for their respective communities.

All of the former municipalities of the Region of Hamilton-Wentworth had completed comprehensive municipal housing statements and strategies throughout the 1990's. With the amalgamation of these municipalities into a "new" City of Hamilton, the time is right to establish a Housing Policy and Plan for the City of Hamilton to guide future decisions. Recognizing this, Council approved a 2002 capital budget allocation of $150,000 to fund work required for the creation of a comprehensive housing policy and plan.

"Keys To The Home" will provide a policy context and clear directions for City Council in housing matters. The Housing Policy and Plan will identify major issues, trends and challenges and map out solutions and areas for action. Particular emphasis will be placed on identifying housing options and solutions that can be achieved at little or no cost to the City of Hamilton.

Another function of the Housing Policy and Plan will be to create Housing policies for the new Official Plan for the City. Part of this effort will be to link projected population and household growth dynamics to land supply requirements as input to long-term growth management options for the City.

On October 23, 2002, City Council through Report SPH02001a endorsed the Vision portion of the Social Development Strategy document entitled A Social Vision for the New City of Hamilton. One of the Flagship areas identified in the Strategy was "affordable housing". Housing Division staff will work closely with staff of the Public Health and Community Services Department to achieve a consistent and co-ordinated approach in addressing the wide range of housing issues and concerns in our community.

Under the direction of senior staff of the Housing Division, a Housing Policy Officer (to be hired on a temporary contract) will undertake and project manage various aspects of the background research, consultation, and policy development, utilizing a mix of city staff and consultants as needed. A draft report is scheduled to be provided to Council by August 31st 2003 for discussion, input, and for final public discussion before presentation of the final plan for approval and adoption by October 30th 2003.

BACKGROUND:

The need for new affordable rental housing supply in Hamilton has been growing for several years. In response, on April 11, 2002, City Council adopted HAHPI – The Hamilton Affordable Housing Partnership Initiative – as the City's proactive strategy and response to affordable housing supply needs in our community. The cornerstone of HAHPI is the Housing Partnership Fund that will lever additional rental housing supply through new development, rehabilitation and non-residential building conversions.

In tandem with the City's HAHPI Housing Partnership Fund is the new Community Rental Housing Program (CHRP). It is anticipated that some 700 rental units will be made available under CHRP for take-up by private sector and community-led housing providers.

There are considerable social and health costs associated with the lack of affordable and appropriate housing. This interferes with a child's ability to attend school and learn, as well as the ability for parents to maintain stable employment. The lack of housing also contributes to an inability to provide adequate nutrition and is a significant factor in contributing to domestic violence including child neglect and abuse.

On October 23, 2002, City Council through Report SPH02001a endorsed the Vision portion of the Social Development Strategy document entitled A Social Vision for the New City of Hamilton. One of the Flagship areas identified in the Strategy was "affordable housing". The goals of the Affordable Housing Flagship are as follows:

- To increase the supply of affordable housing in the City of Hamilton;
- To promote the availability of affordable housing through such measures as rent subsidies, funds for home improvement and assistance with the payment of the first and last months' rents; and
- To ensure the availability of emergency and shelter arrangements in order to reduce substantially the rate of homelessness in Hamilton.

While new housing supply is a key facet of any comprehensive municipal housing strategy, there are other housing concerns and needs that are evident in our community that require review and may necessitate implementation of appropriate policy and program initiatives. Within the Housing Policy and Plan for the City of Hamilton, the following housing issues will be reviewed and examined:

- State of the Housing Market in Hamilton
- Rural Housing Needs
- Second Suites/Accessory Apartments
- Homelessness
- Homeownership Opportunities for Lower Income Households
- Housing Conservation and Rehabilitation
- Future Housing Demand and Land Supply Implications

- Role of the City of Hamilton in Housing
- Social Regeneration of Hamilton Housing Corporation
- Supportive housing
- Rooming Houses/Single Room Occupancy (SRO) Dwellings
- Official Plan Policies for Housing
- Aboriginal housing needs
- Housing Trust Funds / Municipal Housing Bonds
- Student housing

It is important to note that as the background research and study proceeds it is likely other housing issues for review and consideration will become apparent and will be addressed. On this basis, staff of the Housing Division will work closely with staff of the Public Health and Community Services Department in the context of the affordable housing Flagship component of the Social Development Strategy.

The Housing Policy and Plan is also an important tool to re-engage the Federal and Provincial governments in housing policy and program matters. The Housing Plan will establish the City of Hamilton as a willing and credible partner to work with senior levels of government to respond to the range of housing needs in our community.

ANALYSIS OF ALTERNATIVES:

Council has made a decision to proceed with a Housing Policy and Plan. The first step of consulting with community and preparing the Terms of Reference is now complete. There are no alternatives to proceeding further short of terminating this work or putting it on hold which will also impact negatively on the new Official Plan and the implementation of the Social Development Strategy. With municipalities now the lead players in responding to housing issues in their communities, it is important that a cohesive and comprehensive strategy is in place to guide Council decision making in all housing matters.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial – A 2002 Capital Budget allocation of $150,000 has been approved for the completion of this major initiative.

Staffing – While senior staff of the Housing Division, including the Co-ordinator of Policy and Programs and the Director, will provide direction and expertise, it is imperative that a Housing Policy Officer be hired on a temporary contract to undertake research and project manage various aspects of the work including consultants, public and professional consultation, and coordination.

The timelines for the deliverables are contingent on having necessary staffing resources in place for orientation and work commencement by the end of February 2003. A delay in staff resourcing will likely postpone the completion to after a new Council is installed in November 2003.

Legal – There are no legal implications.

POLICIES AFFECTING PROPOSAL:

No policies are affected currently; however, after completion of the plan and adoption by Council, the new Official Plan for the City of Hamilton will reflect Council's Housing directions.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Consultations were undertaken with the Social Planning and Research Council, the Hamilton Community Foundation, Hamilton-Halton Homebuilders Association, and other housing stakeholders on the housing issues to be considered. Internal consultation was also undertaken with staff from the Long Range Planning and Design Division working on the New Official Plan. Also, staff from the Community Program Delivery Division of the Public Health and Community Services Department were consulted and contributed to this report.

Housing Division staff made a presentation to the Food, Shelter and Housing Advisory Committee seeking input and comment on the areas of concern and housing issues that should be addressed within the Housing Policy and Plan.

As the Food, Shelter and Housing Advisory Committee reports to the Co-ordinating Committee, its role in the consultation process and the development of the Housing Policy and Plan will be larger than will be expected of stakeholder organizations. It is important to ensure there is congruence between the work of the Food, Shelter and Housing Advisory Committee and the preparation of the Housing Policy and Plan. To this end, staff will be meeting with the Committee in the near future to discuss and establish roles and responsibilities.

CITY STRATEGIC COMMITMENT:

The work and completion of the Housing Plan for the City of Hamilton supports the following goals of the City's Strategic Plan:

1. *A City of Growth and Opportunity*
   c) Developing Partnerships for Hamilton with Other Levels of Government
   "Council will urge its government partners to take the steps necessary to support the City in its efforts."

2. *A Great City in Which to Live*
   b) Supporting People in Need, with Care
   "Council will seek work with other levels of Government and the community to ensure that people in need are supported and cared for."

3. *A Healthy, Safe and Green City*
   i) Municipal Housing Program
   "Develop and implement a municipal affordable housing program."

LAC/KE
Attach. (1)

APPENDIX "A" to Report PD03026/SPH03005

TERMS OF REFERENCE

"Keys To The Home –
A Housing Policy and Plan for Hamilton"

Background:

Housing remains one of the most basic human needs. Housing needs and the demand for housing are not static but change and evolve as social, demographic and economic conditions change.

There are considerable social and health costs associated with the lack of affordable and appropriate housing. This interferes with a child's ability to attend school and learn, as well as the ability for parents to maintain stable employment. The lack of affordable housing also contributes to an inability to provide adequate nutrition and is a significant factor in contributing to domestic violence including child neglect and abuse.

Municipalities have been at the forefront of assessing housing market conditions and housing needs and establishing policy directions and program initiatives for their respective communities.

All of the former municipalities of the Region of Hamilton-Wentworth had completed comprehensive municipal housing statements and strategies throughout the 1990's. With the amalgamation of these municipalities into a "new" City of Hamilton, the time is right to establish a Housing Policy and Plan for the City of Hamilton to guide future decisions. As well, the Social Housing Reform Act has resulted in the City of Hamilton becoming the lead player in responding to housing issues and needs in our community. Recognizing this, Council approved a 2002 capital budget allocation of $150,000 to fund the work required for the creation of a comprehensive policy and plan.

The need for new affordable housing supply in Hamilton has been growing for several years. In response, on April 11, 2002, City Council adopted HAHPI – The Hamilton Affordable Housing Partnership Initiative – as the City's proactive strategy and response to affordable housing supply needs in our community. The cornerstone of HAHPI is the Housing Partnership Fund that will lever additional rental housing supply through new development, rehabilitation and non-residential building conversions.

In tandem with the City's HAHPI Housing Partnership Fund is the new Community Rental Housing Program (CHRP). It is anticipated that some 600-700 rental units will be made available under CHRP for take-up by private sector and community-led housing providers.

New housing supply is, of course, a key facet of any comprehensive municipal housing strategy. Yet there are other housing concerns and needs that are evident in our community that require review and may necessitate implementation of appropriate policy and program initiatives.

On October 23, 2002, City Council through Report SPH02001a endorsed the Vision portion of the Social Development Strategy document entitled A Social Vision for the New City of Hamilton. The Social Development Strategy underscores the fact that people in our community need all forms of temporary and permanent, affordable and appropriate housing options which include shelters, transitional housing, supported and supportive housing and residential care facilities. The people at risk in our community include youth, seniors, homeless families, persons released from prisons and those with mental illness.

One of the Flagship areas identified in the Social Development Strategy is "affordable housing". The goals of the Affordable Housing Flagship are as follows:

- To increase the supply of affordable housing in the City of Hamilton;
- To promote the availability of affordable housing through such measures as rent subsidies, funds for home improvement and assistance with the payment of the first and last month's rents; and
- To ensure the availability of emergency and shelter arrangements in order to reduce substantially the rate of homelessness in Hamilton.

Housing Division staff will work closely with staff of the Public Health and Community Services Department to achieve a consistent and co-ordinated approach to addressing the wide range of housing issues and concerns in our community.

Another key element of the Housing Policy and Plan for the City Hamilton will be to create Housing policies for the new Official Plan for the City. Part of this effort will be to link projected population and household growth dynamics to land supply requirements as input to long-term growth management options for the City.

What Will the Housing Policy and Plan Accomplish?

The adequacy and affordability of housing is a long-standing issue in our community that requires an on-going Council commitment. The Housing Policy and Plan for the City of Hamilton will provide a policy context and clear directions for City Council in housing matters. The Housing Plan will identify key issues, trends and challenges and map out solutions and areas for action. It will also establish the role of the City of Hamilton in housing and Council priorities. Particular emphasis will be placed on identifying housing options and solutions that can be achieved at little or no cost to the City of Hamilton.

The Housing Policy and Plan is also an important tool to re-engage the Federal and Provincial governments in all facets of housing policy and program matters. It will establish the City of Hamilton as a willing and credible partner to work with senior levels of government to respond to the range of housing needs in our community.

Issues to be Considered:

As part of developing the Terms of Reference, Housing Division staff consulted with a number of community housing stakeholders and staff of the Public Health and Community Services Department to identify current and emerging housing policy and program issues. From this consultation, a number of key issues became evident that should be reviewed and addressed. It is important to note that as the background research and study proceeds it is likely other housing issues for review and consideration will become apparent and will be addressed.

State of the Housing Market in Hamilton - Current and historic housing statistics/ indicators will be documented highlighting trends in owner and renter housing affordability; review indicators of housing need including the Community Housing Access Network (CHAN) waiting list, emergency shelter and transitional housing usage; describe private market activity including rental vacancy rates, average market rents, average house prices and dwelling starts; and undertake a review and assessment of the overall housing policy and program context of the Federal and Provincial governments.

Rural Housing Needs – The City of Hamilton is unique among major cities in southern Ontario in that there is a significant rural constituency. Previous housing research, policy and program responses in Hamilton have primarily focussed on the needs of residents in the urban community. The Housing Policy and Plan will identify and examine the housing issues and potential solutions facing rural residents in Hamilton.

Second Suites – Also known as "accessory apartments", second suites in single-family homes provide low-cost rental accommodation and extra money for homeowners. Second suites also make more efficient use of existing buildings and infrastructure. And from a housing supply perspective, second suites provide a "no cost" solution for government to increase the supply of inexpensive rental housing.

Despite these benefits, the issue of second suites is controversial as residents fear increased crowding, parking, noise and a negative effect on the "character" of their neighbourhood. The Housing Policy and Plan will review recent efforts undertaken by other Canadian municipalities in this area and assess the appropriateness of these efforts in the local Hamilton context.

Homelessness – The obvious program response to homelessness is to provide more affordable housing. The City of Hamilton recognizes this and is contributing financial and staff resources to address this pervasive need in our community. There are, however, other innovative options that can be employed that can prevent homelessness.

It is anticipated that the Federal Government will continue with the "Supporting Communities Partnerships Initiative" (SCPI) with renewed funding in 2003. Maintaining the momentum in the community with new and enhanced SCPI initiatives through increased co-ordination and linkage among the City, the Community Advisory Board on Homelessness and other City Committee's such as the Food, Shelter and Housing Advisory Committee will be critical in achieving long-term success in this area.

Examples of initiatives or options that contribute to the prevention of homelessness that will be explored as identified through the Social Development Strategy include:

- the establishment of a "Rent Bank" where tenants with short-term arrears can access monies so they can maintain their tenancy;
- creating a "Single Point Entry" for information on available housing options across a continuum;
- creatively engaging people to share their views on housing and related concerns to identify housing solutions; and,
- examining ways to trigger innovative voluntary action for affordable housing. The proposed Housing Hamilton Innovations Fund (HHIF) identified in Report PD02001a is an example of how the City can partner with community-based housing organizations in meeting the housing needs of lower income Hamilton households.

Homeownership Opportunities for Lower Income Households – In the United States over the past 10 years, the homeownership rate among lower income households has increased. To a large part, this has been the result of more flexible mortgage lending requirements. However, what is also evident is that cities and grass roots housing organizations in the United States are taking the lead in encouraging home ownership opportunities for their lower income residents. Sometimes, it may be as simple as public education of the merits of home ownership. In other situations the inability to secure a downpayment may be a prohibiting factor.

Encouraging home ownership in the Hamilton context, particularly among existing social housing tenants, is an ideal concept. Hamilton's ownership housing stock is relatively "affordable", particularly in the Lower City, while affordable rental units would be made available for other households. The Housing Plan will review the initiatives undertaken in other jurisdictions and outline options for possible implementation, specifically in the context of CityHousingHamilton, the six City-owned housing corporations.

Housing Conservation and Rehabilitation – Hamilton's stock of housing is getting older. The major housing program response is the Federal Residential Rehabilitation Assistance Program (RRAP) and the City of Hamilton has been a RRAP Delivery Agent for over 25 years. Yet the demand for RRAP greatly exceeds the monies made available. This is a concern particularly as the apartment rental stock in Hamilton is aging and senior level of government commitment in these matters has been waning. The Housing Plan will identify the scope and extent of housing rehabilitation needs in the City of Hamilton and identify clear roles and priorities for the senior levels of government.

Future Housing Demand and Land Supply Implications – Population and household projections for the City have been recently prepared by the Centre for Spatial Economics (November, 2002) to the year 2031. Household growth and the dynamics of household change over a period of time is the key factor in determining future housing demand by dwelling type and tenure in a municipality.

In turn, these housing demand indicators identify future urban land supply needs. As an example, Hamilton's population is aging and thus there will be an increase in the demand for more modest-sized dwelling units. This element of the Housing Plan is very important as quantification of the dwelling type and tenure of future housing demand is a critical component of a long-term municipal growth management strategy.

Social Regeneration of Hamilton Housing Corporation – Through Provincial devolution, the City of Hamilton is now the owner of some 5,100 public housing units through the Hamilton Housing Corporation. Unlike most non-profit and co-operative housing developments where one-half of the tenants pay rent on a "market" basis and the other half pay rent on geared-to-income (RGI) basis, Hamilton Housing Corporation is 100% occupied by residents who pay their rent on an RGI basis. Further, these units/buildings were constructed for the most part in the 1960's and are the stage of their life where aesthetic and amenity enhancements are required.

There has been little or no community or neighbourhood acceptance of housing developments where 100% of the tenants pay rent on a geared–to-income basis and this situation may in fact be undermining broader neighbourhood stability. However, through the Social Housing Reform Act, the distribution of RGI units within a municipality can be adjusted on a project–by-project basis provided the overall "service level standard", i.e., the total number of RGI units, for the municipality is not lowered.

This is an important tool that can be used to promote a greater mix of households in specific developments and facilitate community acceptance and will be reviewed in the Housing Plan.

Other potential actions that will be evaluated with a goal of promoting community acceptance and diversifying the tenant mix of Hamilton Housing Corporation projects include enhanced screening of applicants, targeting desired household compositions and more stricter application and enforcement of tenancy obligations and Tenant Protection Act provisions. It is recognized that any actions must be mindful of potential negative repercussions and on this basis it is essential that a range or continuum of housing options be available.

Supportive Housing – The need for housing in tandem with appropriate supports continues to increase. Great strides have been made in Hamilton, however the absence of long-term funding commitments from the Federal and Provincial governments is an impediment to improving the lives of many Hamilton residents.

As an example, Hamilton's population is aging rapidly and senior citizen residents require an increasing level of support to allow them to live independently. Another example of the on-going need for supportive housing is that Hamilton is the catchment area for individuals with mental illness for not only Hamilton residents but for residents of Niagara, Brant, Haldimand, Norfolk and portions of Halton. What this means is that these individuals may be seeking supportive housing options within our community that are unavailable elsewhere. In addition, there is also the need for supportive housing for individuals released from correctional facilities.

The Housing Plan will outline current and future needs for supportive housing and identify necessary senior level of government action to enhance the quality-of-life of these individuals with special needs.

Rooming Houses/Single Room Occupancy (SRO) Dwellings - This form of housing responds to unique needs within the Hamilton community. Traditionally, rooming houses/SRO's have been used as "temporary" or “short-term” accommodation, however recent academic research has noted that the rooming house stock in the City of Hamilton has in effect become a form of permanent rental housing.

These dwelling forms do present a number of advantages in responding to rental housing needs as they are relatively cost effective and physically integrate within existing neighbourhoods. Further, this dwelling form is particularly suitable for singles and monthly rents are typically well below that of conventional rental apartments. The Housing Plan will document the current inventory of rooming houses/SRO's in the City of Hamilton and their physical condition, identify historical trends and highlight potential opportunities and constraints to use this dwelling form as one way of responding to affordable rental housing needs.

Official Plan Policies for Housing – As a land use planning document, the Official Plan provides guidance and direction on the physical development of our City. The Official Plan can also be used as a strategic policy document to capture and enunciate the desires of the community on a variety of issues including Housing.

As part of the on-going consultation and discussion that will be undertaken with the housing stakeholders in Hamilton to complete the various elements of the Housing Plan, staff will also seek to identify a Housing "vision" that will be used as the basis for establishing new Official Plan policies.

There are number of other elements that will be reviewed and considered within the Housing Plan including:

- Aboriginal housing needs/issues – What are the needs and concerns and possible program responses;
- Inclusionary Zoning/Density Bonusing – How can land use planning mechanisms be utilized to enhance the supply of low cost rental and ownership housing;
- Housing Trust Funds / Municipal Housing Bonds - How do these instruments work? Can the philanthropic and business community be engaged to create and support these tools on a sustaining basis to create affordable rental and ownership housing; and,
- Student Housing – Hamilton's community and business colleges and McMaster University are desired institutions for post-secondary students from across Canada. Enrolment will continue to increase along with the need to house these students in a community-sensitive manner.

Report Timing and Staff Resources:

The completion of the Housing Policy and Plan for the City of Hamilton has been supported through a 2002 Capital Budget allocation. Staff of the Housing Division will undertake the bulk of the background research and policy development work. Staff from other Divisions of the Planning and Development Department and the Public Health and Community Services Department will also be involved in the various work tasks. In particular, Housing Division staff will work closely with staff of the Public Health and Community Services Department as part of the work on the City's Social Development Strategy. Where appropriate, consultants may be utilized to complete specific components of the Housing Plan.

A key facet of the work will be consultation with various community housing stakeholders, e.g., the Hamilton-Halton Home Builders Association, Social Planning and Research Council, Hamilton Community Foundation, the Housing Help Centre, the Hamilton and District Apartment Association, etc. These organizations are on the forefront of housing issues and concerns in the community and provide an excellent context for housing policy and program matters and desired City objectives and roles.

The Food, Shelter and Housing Advisory Committee reports to the Co-ordinating Committee of Council. Accordingly, its role in the consultation process and the development of the Housing Policy and Plan will be larger than will be expected of stakeholder organizations. It is important to ensure there is congruence between the work of the Food, Shelter and Housing Advisory Committee and the preparation of the Housing Policy and Plan.

The work plan is to provide a draft Housing Policy and Plan to Committee of the Whole/Hearings Sub-Committee by August 31st 2003 for input after which a final public meeting will be held and the final document presented to Council for adoption by October 31st 2003.

Housing Division
February, 2003

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